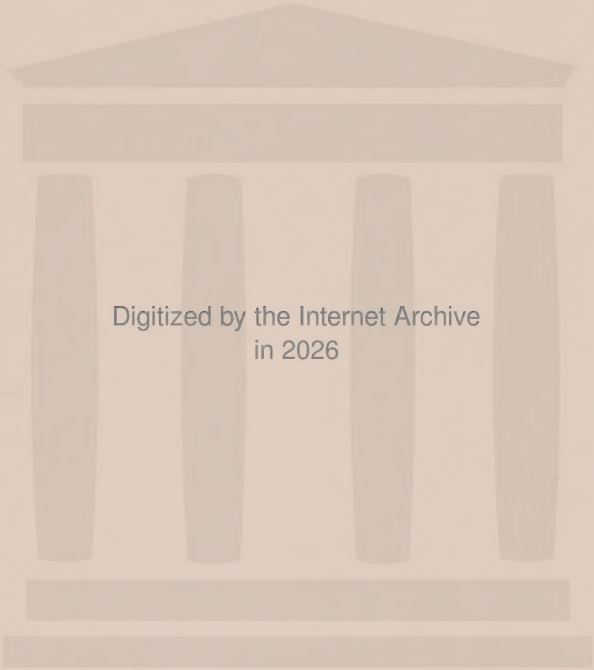

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CICERO

FROM A BRONZE MEDAL STRUCK BY THE TOWN OF MAGNESIA IN LYDIA.

To face Title-page of Vol. I

LIFE

OF

MARCUS TULLIUS CICERO.

BY

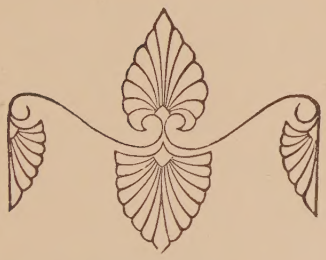
WILLIAM FORSYTH, M. A., Q. C.,

AUTHOR OF "HORTENSIUS," "NAPOLEON AT ST. HELENA AND SIR HUDSON LOWE,"
"HISTORY OF TRIAL BY JURY," ETC.,
AND LATE FELLOW OF TRINITY COLLEGE, CAMBRIDGE.

TWO VOLUMES IN ONE.

WITH ILLUSTRATIONS.

SIXTH AMERICAN EDITION.



NEW YORK
CHARLES SCRIBNER'S SONS
1896

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DEDICATION.

My dear Lord Brougham,—

I dedicate this work to you as a token of our friendship, and because a Life of Cicero cannot be more appropriately inscribed than with the name of one whose Eloquence and other splendid intellectual gifts, so conspicuously displayed and uniformly employed for the welfare of mankind, vividly recall to the minds of his countrymen the great Orator, Statesman, and Philosopher of ancient Rome. "Superest adhuc et exornat ætatis nostræ gloriam Vir sæculorum memoriâ dignus, qui olim nominabitur nunc intelligitur."

Believe me,

Very sincerely yours,

W. FORSYTH.

The Firs, Mortimer, *December*, 1863.

PREFACE.

More than a century has elapsed since Middleton first published his "History of the Life of Marcus Tullius Cicero," which has during that period exclusively occupied the field in this country as the Biography of Cicero. It occurred to me that the time had come when another Life might be acceptable to the public. The advanced state of scholarship, which has made the history and literature of Rome so much better understood than when Middleton wrote, — to say nothing of his defects as a biographer, — justifies the appearance of a new account of the great Roman. The faults of his work are not inconsiderable. It is disfigured by a blind and indiscriminating tone of panegyric which is the language of flattery rather than of truth. It is almost entirely occupied with Cicero as a politician and an orator, and does not sufficiently enter into the details of his private and domestic life, which, in my opinion, form the chief charm of a biography. For as Madame Swetchine in one of her letters, alluding to the subject in the case of deceased friends, happily remarks, — "Tant que nous ne connaissons rien de leur caractère, de leur vocation, des actions de leur vie, ils demeurent pour nous à l'état d'abstraction;

or, vous savez si ce sont les abstractions qui parlent au cœur." Middleton's work is also overlaid and encumbered with too much of the history of the time, so that the character of individuality is often lost. It is in fact, as the title seems to imply, an historical composition in which Cicero is the principal figure, but it is not the portrait of the man himself, with details properly subordinated as accessaries so as to form the background of the picture. Besides, the style is heavy and tedious; and I think that De Quincey is not far from the truth when he says, that, "by weeding away from it all that is colloquial, you would strip it of all that is characteristic; and if you should remove its slang vulgarisms, you would remove its whole principle of vitality."

My object has been to exhibit Cicero not only as an orator and a politician, but as he was in private life, surrounded by his family and friends — speaking and acting like other men in the ordinary affairs of home. And the more we accustom ourselves to regard the ancients as persons of like passions as ourselves, and familiarize ourselves with the idea of them as fathers, husbands, friends, and *gentlemen*, the better we shall understand them.

It would be ungrateful in me not to acknowledge how much I am indebted to Abeken's most interesting and able work, "Cicero in Seinen Briefen," — an invaluable contribution to our right knowledge of his history, — and to the "Onomasticon Tullianum" of Orelli and Baiter. I have also made much use of Drumann's "Geschichte Roms nach Geschlechtern," although I differ greatly from the estimate he has formed of the character of Cicero, and think him

both prejudiced and unfair. I have derived most material assistance from the admirable edition of Cicero's letters by Schütz, where the correspondence is arranged in chronological order, and the difficulties are explained by clear and excellent notes. But for the convenience of reference I have always quoted the letters as they are given — most unmethodically it is true — in the popular edition of Ernesti. I have also referred to Brückner's "Leben Cicero," which has the merit of fulness and accuracy, but is a dull and unattractive book. It would, however, be mere pedantry in me to mention all the authorities of which I have made use. I believe that there is no author who has written on the subject whose work I have neglected. But, after all, the great authority for the life of Cicero is Cicero himself, of whose works I have been, during a great period of my life, an assiduous student, attracted to them by the irresistible fascination of their contents and their style.

I had written much more than is printed in the following work, but as it would have swelled the volumes to an inconvenient size, I have been obliged very considerably to reduce my manuscript. For this reason I have omitted many details and translations of many parts of the speeches which I had prepared, and which I should have been glad to insert in the text. For the same reason also I have omitted a number of references in support of the opinions I have advanced, but if necessary they can be readily produced. I mention this merely lest it should be supposed that I have shunned pains and labor in the completion of my task. I can truly say

that it has been with me a labor of love, and the most agreeable relaxation I cared to find from the toils of my profession. It is, no doubt, perilous to the interests of lawyers to be supposed to occupy even their *horæ subsecivæ* with anything like literature. But although their profession has the first and foremost claims upon their attention, it need not monopolize the whole, and it can hardly be thought that they are less likely to be qualified for the discharge of its duties if they make themselves familiar with the models of ancient Eloquence and the Law of ancient times, than if they confine themselves wholly to the study of technical precedents, and seek for inspiration only in the volumes of Reports.

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Vol. I. p. 11

THE LIFE

OF

MARCUS TULLIUS CICERO.

CHAPTER I.

THE BOYHOOD.

ÆT. 1–16. B. C. 106–91.

On the steep side of one of the Volscian hills, below which the river Liris, now the Garigliano, flowed in a winding channel to the sea, and on the northern frontier of what has since been known as the Terra di Lavoro in the kingdom of Naples, lay the ancient town of Arpinum. The banks of the river were thickly wooded with lofty poplars, and a grove of oaks extended to the east, where, not far off, the little river Fibrenus, now the Fibreno, in the midst of one of the loveliest of Italian landscapes, mingled its ice-cold waters with the waters of the Liris. Before its confluence with the larger stream it divided into two channels and rushed rapidly past a small and beautiful island, now called the Isola di Carnello; and lower down at the point where the two rivers met, another island was formed, now known as the Isola San Paolo, or San Domenico, from a Dominican monastery, which in later times was erected there and still remains.

In this pleasant spot, at the point where the Liris and the Fibrenus met, amidst hills and rocks and woods, on the third of January, B. C. 106, Cicero was born.[1]

His family was old and respectable, but was of the plebeian and not of the patrician order. It was not *ennobled* — that is, none of its members had filled any curule office; not even an ædileship, which was the lowest step in the ladder of rank that entitled a citizen to the honor of the ivory chair, and which, like all the other magistracies at Rome, was, at all events in the later centuries of the republic, open to plebeian and patrician families alike. It belonged to the equestrian class, and had long been settled in the neighborhood of Arpinum. There was indeed a tradition at Rome that the Tullian *gens* was of royal descent; and Plutarch alludes to it, saying, that some persons carried back the origin of the family to Tullus Attius, a king of the Volscians, who waged war not without honor against the Romans.

Cicero himself, like Napoleon, smiled at the efforts to make out for him an illustrious pedigree; and, alluding to the funeral orations at Rome as a fertile source of the falsification of family history, said, that an instance of it would be an assertion by him that he was descended from Manius Tullius, the patrician who was consul with Servius Sulpicius ten years after the expulsion of the Tarquins.[2]

[1] The consuls for the year were C. Atilius Serranus and Q. Servilius Cæpio. According to the Julian reformed calendar the date of Cicero's birth would be October, B. C. 107.

[2] The word Tullius seems originally to have meant "spring" or "rivulet." Tullios alii dixerunt esse silanos, alii rivos, alii vehementes projectiones sanguinis arcuatim fluentis. — *Festus.*

Arpinum had received the Roman franchise some time before, so that the inhabitants enjoyed the full rights of citizens of the Great Republic. The family name of Cicero was most probably derived, like those of the Lentuli, Fabii, Pisones, and others, from the fact that some ancestor had been known as a successful cultivator of the humble vegetable called *cicer*; but another less complimentary theory is, that it was given in consequence of a personal defect in the face of one of his progenitors — in fact, a wart or carbuncle on the nose.[1] His paternal grandfather Marcus, who was still alive when Cicero was born, was no friend of innovation, and when his brother-in-law Gratidius, whose sister Gratidia he had married, proposed to introduce vote by ballot into Arpinum, he strongly opposed it. Cicero mentions this story of his grandfather, and adds that Gratidius was trying to raise a tempest in a cup (*excitabat fluctus in simpulo*). When Scaurus the consul heard of old Marcus's firmness, he much applauded it, and said, "I wish with such courage and virtue as you have shown, you had preferred the arena of a great metropolis to a provincial town." The old gentleman hated the Greeks, and used to say that his countrymen were like Syrian slaves, the more Greek they knew, the greater rascals they were.

Marcus the grandfather and Gratidia had another

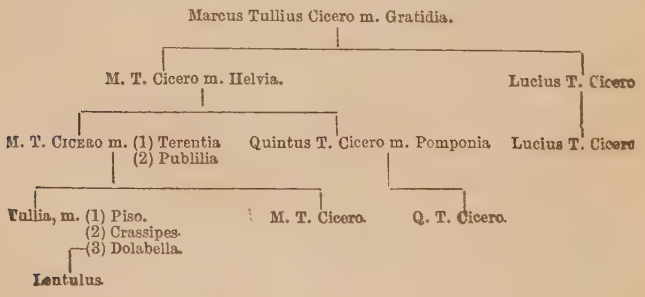
[1] When Cicero as quæstor in Sicily was about to make an offering in a temple of some silver vessels which he had inscribed with his names Marcus Tullius, he told the silversmith to engrave the figure of a vetch (*cicer*) for the third name. Had he lived in the days of heraldry, his *canting* arms would probably have had a vetch for the crest. Plutarch says that when he was about to enter into public life he was advised to change his name of Cicero, but he proudly answered that he would make it more glorious than the names of the Scauri and the Catuli: and surely he kept his word.

son named Lucius, besides Cicero's father; and, according to most genealogists, a daughter Tullia, married to Caius Aculeo, a Roman knight. But Drumann asserts that he had no daughter, and that Aculeo, who was a learned lawyer and distinguished orator, was married to Cicero's maternal aunt, the sister of his mother.[1] He was also the intimate friend of L. Licinius Crassus, who contested the palm of eloquence with Antonius, the grandfather of the Triumvir, and Antonius himself was connected by marriage with Lucius, the paternal uncle of Cicero.[2]

His father, who was also called Marcus, had weak health, and he preferred to reside on his property and lead the quiet life of a country gentleman, instead of engaging in the struggles of ambition and mingling in the society and bustle of Rome. But he had also literary tastes, and seems to have been a man of cultivated mind according to the measure of his opportunities. He had enlarged the old dwelling of the family, which appears previously to have been little better than an ordinary farm-house. The name of Cicero's mother was Helvia, of whose family noth-

1 See Drumann, *Geschichte Roms nach Geschlechtern*, V. 213.

2 The following genealogical table will be useful for reference: —


Marcus Tullius Cicero m. Gratidia.
M. T. Cicero m. Helvia.
Lucius T. Cicero
M. T. Cicero m. (1) Terentia (2) Publilia
Quintus T. Cicero m. Pomponia
Lucius T. Cicero
Tullia, m. (1) Piso. (2) Crassipes. (3) Dolabella.
M. T. Cicero.
Q. T. Cicero.
Lentulus.

ing more is known than what Plutarch tells us, and this is comprised in the short sentence that she was a lady well born. Cicero himself makes no allusion whatever to his mother in all his numerous works. One is curious to know whether she was a woman of strong intellect, and an instance amongst the many that could be quoted of mothers to whom their sons have owed the mental powers which have made them famous; and in such cases it will generally be found that it has not been so much any brilliancy of imagination or accomplishment as native shrewdness and good sense, in fact, what we call mother-wit, which has distinguished the mothers of celebrated men. An anecdote has been preserved of her, as told by her son Quintus in one of his letters, which shows that she was a careful housewife and looked well after her domestic concerns. He says that she used to seal up all the wine-jars in the house, even when they were empty, to prevent mistakes and discourage clandestine visits to the cellar.

Cicero, as for the sake of convenience we shall call the subject of this biography, although that was properly his surname, had one younger brother, named Quintus, but no sister. At the usual time, that is on the ninth day after his birth, he received what we should call the baptismal name of Marcus,[1]

[1] This was called the *dies lustricus*. The full name, according to Roman style, would be written thus —

M. Tullius M. F. M. N. Cor. Cicero,

Marcus Tullius, Marci Filius, Marci Nepos, Cornelia, Cicero; that is, Mark Tully Cicero, son of Mark, grandson of Mark, of the Cornelian Tribe. In order to enjoy the rights of Roman citizenship it was necessary to be enrolled in one of the thirty-five tribes; and when the franchise was bestowed on Arpinum, its inhabitants were included in the Cornelian tribe.

which, as it was afterwards given to his own son, was thus kept in the family for at least four generations. Of his childish years at the family residence near Arpinum no anecdote has been preserved. Plutarch indeed says that when he began to learn he was so distinguished by his abilities, that the fathers of his schoolfellows used to visit the school that they might see the young prodigy, and some of them were foolish enough to be annoyed because the boys when they walked together put Cicero in the middle as the place of honor. But this, if true, no doubt refers to the period when he had left Arpinum for Rome, as we shall see was the case during his boyhood, although the exact period is not known. He always had throughout life the greatest attachment to his birthplace, which he calls his cradle and ancestral home, and he seems to have loved its wild scenery with no ordinary fondness. Marius was a native of Arpinum, and just four years before the birth of Cicero had gained his brilliant victory over the savage hordes of Teutones and Ambones at Aquæ Sextiæ (the modern Aix) in the southeast of Gaul. This was followed next year by the complete and utter destruction of the Cimbri in a great battle fought near Verona, when Marius came to the rescue of the proconsul Catulus, hard pressed by the barbarians, and by their overthrow saved Rome from an attack which would have been more terrible than that of the Gauls three centuries before. We may well imagine, when the fame of these victories reached Arpinum, how proud the citizens were of the hero who had won them, and how they loved to talk in the forum and the market-place of his exploits, tell

ing the tale to which the young Cicero must often, as he grew older, have lent a listening ear, and perhaps awakening in his mind that eager desire for distinction and applause which became the ruling passion of his life.[1] No memorial remains at Arpinum to mark the birthplace of the great Roman orator, but the fragment of an ancient altar built into the wall of a house on which are still seen the letters COS. VII., requires no name to show that it was erected in honor of Marius, for of him alone could it be said that he was seven times consul.

His parents must have soon observed that the young Cicero was a child of no ordinary promise, and this no doubt determined his father to take him and his brother Quintus to Rome, in order that they might there have the benefit of an education which it was impossible to procure at a provincial town. He therefore placed them both with their uncle Aculeo who had a house in the street called *Carinæ*,[2] that they might join their cousins in the usual course of education pursued by Roman youths of good family.

There is a curious remark by Niebuhr that Cicero in his youth was without friends.[3] But for this he

1 There was a distant connection between the families of Cicero and Marius in the following manner. A brother of Marius had adopted Gratidianus, the son of Gratidius, who was the brother-in-law of Cicero's grandfather.

2 Drumann, *Gesch. Roms*, V. 213, assuming that Cicero's father had a residence in Rome, says that he lived in the Carinæ. It was one of the principal streets or perhaps "regions" of Rome. It lay between the Cœlian and Esquiline mounts, and was then a fashionable quarter. Pompey had a house there. Virgil, *Æn.* VIII. 361, speaks of *lautæ Carinæ*.

3 Hist. of Rome, V. 30 (Ed. Schmitz). He in another passage qualifies this by saying, "He seems to have passed his youth without any intimate friend; and it was only in his maturer age that a true friendship was formed between him and Atticus."

certainly had no authority. I should be inclined to believe that the direct contrary is the truth, and to say that few young men are likely to have had more. His amiable disposition and lovable nature, in which there was no coldness or reserve, to say nothing of his splendid talents and genial wit, must have made him one of the most companionable of men. Quick, warm, and impulsive in feeling, he was singularly fitted to form early friendships, and we need not doubt that he did so. But alas! how often are our early friendships buried prematurely in the grave. Who of us cannot from his own sad experience verify the mournful lines of the poet, —

> They, the young and strong, who cherished
> Noble longings for the strife,
> By the wayside fell and perished,
> Wearied with the march of life?

We do not know with any certainty whether Marcus the father left his sons under the care of their uncle and returned to his retreat in the neighborhood of Arpinum, or whether he stayed at Rome to superintend their education. I think it is very probable that he sacrificed his inclination for a rural life to a sense of duty, and took up his residence, for a time at least, in the great metropolis; for Cicero speaks affectionately of the pains he took in instructing his sons, or in giving them the means of instruction (*in nobis erudiendis*), and calls him a most wise and excellent man.[1]

The two brothers, stimulated by the reputation of Crassus, and perhaps at his recommendation, attended the lectures of the same professors or teach

[1] *Optimi ac prudentissimi viri.* — De Orat. II. 1.

ers whom he had used for the purposes of his own education. These seem to have been Greeks, and the object was not only to learn the language, with which Crassus was so familiar that it seemed to be his native tongue, but to acquire those branches of instruction such as rhetoric, grammar, and composition, which Greek teachers were alone at that period competent to impart at Rome. Cicero became very intimate, notwithstanding his extreme youth, not only with him but with Antonius, the grandfather of the Triumvir, who divided with Crassus the palm of Roman eloquence in those days; and he expressly mentions that he used to apply for information from time to time to Antonius, and put questions to him as far as his boyish modesty allowed him to venture with so distinguished a man. We can well believe that both Crassus and Antonius took delight in gratifying the eager curiosity of so intelligent an inquirer, and must have felt respecting him what Lady Holland said to her husband, the first Lord Holland, of "little William Pitt," that he was "really the cleverest child she ever saw."[1] In alluding to these two eminent men at an advanced period of his life, Cicero says that with regard to Greek literature the difference between them was this: Crassus wished to have the reputation of knowing it, but affected to despise it, giving the preference in all things, including literature, in which the Latin language was up to that time miserably deficient, to the native productions of Rome over those of Greece, while Antonius, in compliance with that narrow-minded bigotry which the Romans mistook for patriotism, pretended

[1] Lord Stanhope's Life of Pitt, Vol. I. p. 4.

complete ignorance of both the language and literature of Greece. But the object of both was the same. They thought that the effect of their oratory would be lessened before a Roman audience if they were supposed to be admirers of a nation whom their countrymen so thoroughly despised. Crassus therefore took care to vaunt his preference for everything Roman, while Antonius thought the safer plan would be to have it supposed that he was wholly ignorant of the exotic article.

There were two schools — we may almost call them parties — of education at Rome in those days. The one was the Latin, the other the Greek school.[1] The first who opened a school for instruction in Latin literature there, was Lucius Plautius, about the time when young Cicero removed from Arpinum to the capital, and he wished to become a student at his lectures, which were well attended. But he reluctantly yielded to the advice of friends, who thought that he had better devote himself exclusively to Greek. Perhaps the wiser plan would have been to allow a boy of such industry and aptitude to study both, but if the choice lay between the two, beyond all doubt they acted rightly in giving preference to Greek, for Latin literature was then still in its in-

[1] About half a century before Cicero was born the Senate passed a resolution banishing philosophers and rhetoricians from Rome. The then censors brought the subject again under the notice of the Senate, saying that men who called themselves "Latin rhetoricians" had introduced a new kind of learning, and their schools were frequented by young men who idled away their time there for whole days together (*ibi homines adolescentulos dies totos desidere*). They declared that they did not like the novelty, and called on the Senate to mark its displeasure against both teachers and pupils. They were ordered to shut up their "schools of impudence" (*ludum impudentiæ*). — *De Orat.* III. 24.

fancy, and the language had not been enriched by the prose of Cicero, Sallust, Varro, and Livy, and by the poetry of Lucretius, Virgil, Catullus, and Horace. The only Latin poets who had then written, were Pacuvius, Nævius, and Ennius, and the only Latin histories were the dry and meagre annals of Fabius Pictor, Calpurnius Piso, and others.

Greek, however, had become at this time the fashionable study at Rome, and occupied something of the same position in a course of education that French does amongst ourselves. And Cicero tells us that the language was cultivated in Latium, or, as we should say, in the provinces, even more zealously than in the capital. It was considered the accomplishment of a gentleman, and Greek phrases and Greek quotations were everywhere current in good society. Even the sturdy Cato, the censor, who despised the nation and their effeminate character, and who had deemed their literature beneath the attention of a Roman, at last gave way to the prevailing Græco-mania, and, according to a well-known story, applied himself in extreme old age to the study of the language. Cicero, as might be expected from his exquisite taste, was passionately fond of Greek literature, and his letters abound in expressions and quotations which prove his intimate familiarity with the rich treasures it contains. One practical reason for learning that language thoroughly was, that he might be able to converse with his Greek teachers, who seem to have been able to speak Latin only imperfectly, and in some cases perhaps not at all. Phædrus, the Epicurean, was one of his instructors, and he speaks of him in terms of peculiar regard.

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He became also a pupil of the poet Archias. He was a Greek who had come to Rome from Antioch when Cicero was five years old, and, according to the usual custom of those days, resided in the house of a Roman patron, the wealthy Lucullus. His reputation as a poet depends exclusively on the speech which Cicero in later years delivered in defence of his former teacher and friend, for not a line of his verses has been preserved, but we know that he composed laudatory poems in honor of some of the noble families of Rome.

His intimacy with Archias may have awakened in Cicero the desire to be himself also a poet. We are told by Plutarch, that when very young he composed a poem called Pontius Glaucus, the hero of which was a fisherman of Bœotia, who, having eaten a certain plant, went mad and sprang into the sea, where he was changed into a sea-god, the place from which he made the fatal spring being afterwards known as the Glaucus-leap. He translated also into Latin verse two Greek poems on astronomy or subjects connected with that science — the Phænomena and Prognostica or Diosemeia of Aratus, whose works were very popular at Rome. Although he had not the poetic faculty in the proper sense of the word, and frankly acknowledged this himself, he had great facility in the composition of verses, and amused himself with it at different periods of his life. Some of his productions were long poems such as the Marius, which seems to have been written during the life of that hero,[1] and was an epic celebration of his

[1] Drumann, *Gesch. Roms*, V. 221, ingeniously fixes the date of this poem as B. C. 87, when Cicero therefore was nineteen years old.

life and exploits; and the poems on his Consulship (*de suo Consulatu*) and his own Times (*de suis Temporibus*). It was in one of these, most probably the Consulship, that the unfortunate lines occurred,

Cedant arma togæ, concedat laurea laudi,[1]

and,

O fortunatam natam me consule Romam!

the jingle of which provoked the ridicule of Juvenal, Quintilian, and Seneca, as well as of the wits of his own day, who were never tired of laughing at him for them, and his enemies took care that nobody should forget them. He however clung to them with true parental fondness for a deformed offspring, and in his treatise *De Officiis* calls the verse beginning *Cedant arma togæ* "a capital line which I hear is attacked by the wicked and the envious." He must have heard of it often enough. Of his poem on Marius, Quintus Mucius Scævola the Augur had such a favorable opinion, that in some complimentary lines he declared that it would endure for endless ages, saying, "Canescet sæclis innumerabilibus." But the old lawyer was neither a poet nor a prophet.

When Rousseau once sent to Voltaire a copy of an ode addressed to Posterity, the sneering critic wittily remarked, *Voici une lettre qui n'arrivera jamais à son adresse*, and Cicero's epic has met with a similar fate. Both Plutarch and Pliny the younger lav-

[1] Plutarch renders *laudi* by τῇ γλώττῃ, so that probably one version of the line was *concedat laurea linguæ*, which expresses more distinctly the meaning that military is inferior to civil glory. But there is more of alliterative jingle in the *laurea laudi*.

ish panegyrics upon his poetry, and Middleton goes so far as to declare that the fragments that time has spared us "are sufficient to convince us that his poetical genius, if it had been cultivated with the same care, would not have been inferior to his oratorical." He adds that "the world always judges of things by comparison, and because he was not so great a poet as Virgil and Horace, he was decried as none at all." But Middleton is as extravagant in his praise as Cicero's detractors were unjust in their censure. He never could have been a great poet, for he had not the *divinus afflatus*, so finely expressed by Ovid in the line

Est Deus in nobis, agitante calescimus illo!

without which there is no real poetry; and he knew it, frankly confessing that his brother Quintus would have made a much better poet than himself. But he had a decided talent for vigorous versification; and the specimens that we find scattered amongst his writings show that he was far superior in point of style and harmony, in choice of diction and facility of expression, to the poets who had hitherto written in the Latin language. Their compositions are full of the most uncouth barbarisms, from which Cicero's poetical works appear to have been wholly free; and I do not doubt that Roman poetry was indebted to him in no slight degree for the advance it made in the hands of Catullus, Virgil, Horace, and Ovid. It was no small service to weed away such monstrous words and expressions as deface the writings of Pacuvius, Nævius, Attius, and Ennius, who were the authors most in vogue when Cicero first exercised

his youthful genius in the art of poetical composition.[1]

At the age of sixteen, according to the custom of the Roman youth, Cicero was with the usual ceremonies brought before the Prætor in the Forum; and there, in his presence, he formally laid aside the *toga prætexta*, his boyish dress, and assumed the *toga pura* or *virilis*, which indicated that he had arrived at the age of adolescence, and was introduced into public life. This, however, did not imply that his education was finished, any more than in the case of the change of dress so dear to an English boy when he assumes the dignity of a coat instead of a jacket; and Ovid expressly tells us with reference to such an occasion —

Et studium nobis, quod fuit ante manet.

The change, however, in the case of a Roman boy was much more serious and important. It showed that he had reached an age when he might engage in the active business of life, — the precise period when he began to do so of course varying according to his temperament and abilities. The *toga prætexta*

[1] One of the lines of Pacuvius was

Nerei repandirostrum, incurvicervicum pecus.

The following is a list of the poetical works of Cicero, so far as they are known. 1. Translations of passages from Homer into Latin verse, scattered throughout his works. 2. The Phænomena of Aratus. 3. The Prognostica (Διοσημεῖα) of Aratus. 4-6. Alcyones, Uxorius, Nilus, poems of which nothing is now known but the names. 7. Limon — apparently a series of epigrams on distinguished men, in hexameter verse. Four lines are quoted by Suetonius in his Vita Terentii. 8. Marius. 9. De suo Consulatu. 10. De suis Temporibus, in three Books. 11. Elegia Tamelastis, mentioned by Servius in Virg. Eclog. I. 58. 12. Libellus Jocularis, quoted by Quint. VIII. 6. 13. Pontius Glaucus.

which he had hitherto worn was a white robe with a colored border, which was also the dress of the Roman magistrates, as distinguished from the plain robe which was worn by unofficial persons, and called the *toga pura*. And it is impossible not to notice the significance of the costume. The embroidered robe was symbolical of success in the struggle of life, and of the attainment of rank and station in the republic. We may well believe that the boy was clothed in it as a sort of uniform to awaken in his mind the stirrings of ambition, and point out the path to future eminence.

The custom was for the young man to be conducted by his father or other near relation to the Forum, when he was presented to the Prætor, whose tribunal or court was there, and the ceremony of the change of dress was performed. He then received the congratulations of his relatives and friends who accompanied him, amidst the applause of the surrounding crowd; for there never was any lack of idlers in the Forum, and, indeed, so numerous were they, that old Cato the Censor once proposed that the ground should be paved with sharp stones to make it a less agreeable lounge. After this the youth was conducted along the *Via Sacra*, which ran through the Forum up to the Capitol, and a sacrifice was offered at the altar of Jupiter, whose magnificent temple crowned the hill. The rest of the day was spent in festivities at home; and the hero of the hour, now no longer a boy but a man, received presents as on a birthday amongst ourselves.

We have good reason to believe that whether Cicero's father had returned to Arpinum or not after

bringing his sons to Rome, he was present on this interesting occasion, for his son expressly tells us that immediately afterwards he introduced Cicero to Quintus Mucius Scævola the Augur, — the most profound lawyer of his day in Rome, — that he might have the benefit of his instruction in the science of which that accomplished jurist was so great a master.

CHAPTER II.

THE STUDENT.

Æt. 17–25. B. C. 90–82.

The contrast between ancient and modern manners is so great that it is very difficult to realize it, and bring clearly before the mind's eye the usages of social life that belong to a remote antiquity. Law was taught in a very different manner in republican Rome from that to which we are accustomed in England. There were no chambers of pleaders or conveyancers, to which the young student might resort to copy precedents and answer cases, having first obtained admission there by the payment of an *honorarium*. Nor were there, so far as we know, public lectures on law like those of our inns of court, open to those who might choose to attend them. And yet there was a practice at Rome which bore a certain analogy to both these methods of instruction, and to a certain extent combined the advantages of both. It was this: those who aspired to fill the great offices of state knew that they could only climb the ladder of ambition by the suffrages of their fellow-citizens. The object, therefore, of every public man was to cultivate popularity, and there were two modes of cultivating it with success, both of which however might be, and sometimes were, combined. The one

was by undertaking gratuitously the defence of the accused, and advocating causes in courts of justice; the other, by giving gratuitous advice on points of law to those who required their assistance. For this purpose the house of a Roman jurisconsult was always open, not only to suitors but to students, who came there to listen to the *responsa prudentum* or legal opinions; which were delivered not in the stiff formal manner of a modern consultation, but in the easy mode of familiar conversation, sometimes during a walk in the *peristylium* of the house, and sometimes during a saunter in the Forum. It was thus that Cicero attached himself to Scævola the Augur as a kind of pupil, — and that so assiduously, that in his own emphatic language he declares that he hardly ever quitted his side. He used to take notes of his lectures, and commit his maxims and sayings to memory; following him to the courts when he pleaded as an advocate, and to the Rostra when he harangued the people. He thus received practical lessons in eloquence and law, and formed himself for the career which he had marked out for himself, and in which he was destined to acquire such deathless fame. After the death of this great lawyer he transferred himself to another of the same family and name — for he, too, was called Quintus Mucius Scævola, and was the cousin of the Augur — who had filled the office of Consul, and was Pontifex Maximus. He was the first who attempted to give a scientific form to the Jus Civile, by writing a systematic treatise upon it; and Cicero with grateful enthusiasm calls him the most eloquent of lawyers and the most learned of orators. His time was now incessantly

occupied. He lost no opportunity of attending the speeches of the different orators and pleaders in the Forum and the courts; he watched the gestures of the best actors, like Æsop and Roscius; and every day was spent in reading, writing, and practising declamation. Philosophy and oratory seem to have been the two chief objects of his study; but if, of any man before Bacon appeared, that might be said, which the great master of modern philosophy claimed for himself, that he "had taken all knowledge for his province," it might be truly declared of the youthful Cicero. His appetite for knowledge was insatiable, and his desire for distinction boundless. No man ever lived to whom the hope of future distinction furnished a stronger motive for exertion.

Perhaps at no other place and at no other time, except at Athens in the palmy days of her great orators, have such opportunities been afforded for the study of eloquence as existed then at Rome. The constitution of the Republic imperatively required that those who looked to high office in the state should be practised speakers. The two great avenues of distinction were the Army and the Bar. And by the Bar I do not mean the profession of an advocate in the narrow and limited sense which it bears amongst ourselves, but every kind of display of eloquence in the Forum, whether in a speech in the courts of law before the Prætor, or in a *concio* or harangue addressed to the people. Even the successful soldier had to cultivate oratory to give him a fair chance of civic honors Each of the successive steps in the ascending hierarchy of office, from the

quæstorship to the consulship, could only be attained by securing the votes of the people under a system which amounted almost to universal suffrage; and to be able to speak well was then, as in all ages and times, the surest passport to popular favor. Pompey and Cæsar were both orators; and Cæsar indeed was considered one of the very best speakers of his day.

Cicero therefore devoted himself to the study of that art, of success in which he was soon to show himself the most splendid example. He diligently declaimed at home, and there noted down the passages which had most struck him in the Greek orators, or the speeches he had heard delivered; taking care at the same time to cultivate his style by written composition, and the perusal of works of rhetoric. But every kind of literature engaged his attention. I have spoken of his attempts in poetry; and rhetoric, dialectics, philosophy, and law by turns attracted him, and occupied his busy hours. *Noctes et dies*, he says, *in omnium doctrinarum meditatione versabar*.[1]

But he did not confine himself to the pursuit of studies fitted to qualify him for success in the Forum and the Senate. In his nineteenth year he quitted them for the active life of the camp, and became for a time a soldier. This was a most valuable part of the education of a Roman gentleman; and it was almost necessary in the case of those who looked forward to high office. As one of the great magistrates of the Republic, and especially as Consul, he might have to command the Roman

[1] Brutus, c. 90.

legions and conduct a campaign; when, if he failed, and victory deserted his standard, he was liable to be called to a severe account by the sovereign people. It was therefore essential to know something of the art of war, which can only be taught by actual service in the field; and the constant quarrels in which the Republic was engaged both in Italy and abroad gave ample opportunity for this. Rome was rapidly accomplishing her destiny as the future mistress of the world. The whole of Italy was subject to her sway; but the relation of the different towns and communities there to herself was anomalous and undefined. The inhabitants had not the rights of Roman citizens, except in some special cases, as in that of Arpinum; and they were looked upon rather as the dependants and tributaries of the Republic than part of the Republic itself. This state of things was of course galling to their pride, and they chafed under a sense of injustice. They had to furnish soldiers for the Roman armies, but could not vote in the election of a Roman magistrate. The discontent at last broke out into open war, which has been variously called the Marsian, the Italian, or the Social War. It was during this war that Cicero, then in his nineteenth year, served in his first and only campaign, under the Consul Cneius Pompeius Strabo, the father of Pompey the Great; and in one of his speeches he mentions an incident that occurred in his presence to show how courtesy may be shown even to an enemy in the field.

A conference of the two generals took place midway between the hostile camps, when Scato the

leader of the Marsians asked the brother of the Consul who attended the meeting how he should address him, upon which Sextus Pompeius replied, "As a friend by inclination; as an enemy from necessity."

About this time Philo, the philosopher of the school of the Academy, came from Athens to Rome, accompanied by several distinguished Athenians, who had quitted their country owing to the troubles occasioned by the war with Mithridates. On his return from the Italian campaign Cicero attached himself to him as a pupil, embracing the study of philosophy all the more warmly, inasmuch as the confusion that prevailed at Rome at this period during the deadly struggle between Marius and Sylla seemed to have annihilated the ordinary business of the courts of law. But there was another mode of study of a practical kind to which he did not fail to devote himself with a prescient knowledge of its importance to his own future career. The Forum resounded with the speeches of orators who inflamed the passions of the people; and amongst these Sulpicius the Tribune was preëminent as a popular demagogue. Amidst the crowd who listened to them as they thundered from the Rostra, stood a tall thin youth with outstretched neck and eager eyes, gazing with rapt attention on the speakers, and learning from them the art how to sway by the charm of eloquence the fierce democracy of Rome. This is no fancy portrait, but one which Cicero has drawn of himself in a most interesting passage where he describes his own personal appearance, and mentions how constant an attendant

he was at the harangues that were then daily delivered in the Forum.[1]

During the reign of terror that ensued when Marius and Cinna formed a coalition, and, amidst the horrors of a proscription, slaked their sanguinary rage with the noblest blood of Rome, it was as dangerous to have been a public speaker as it was at Athens when Antipater demanded that the people should give up their orators, and Demosthenes fled to Ægina to perish there by his own hand rather than be dragged to execution. Antonius, Catulus, and Julius were put to death, and not long afterwards Scævola, Carbo, and Antistius met a similar fate. Crassus would no doubt have fallen by the hand of the executioner or the assassin if he had been still alive, but he had died four years before. In this terrible time Cicero, who was still too young to attract the notice of the bloodthirsty tyrants of Rome, quietly pursued his studies. He attended the lectures in rhetoric of Molo the Rhodian, whom he praises as a consummate advocate and teacher; and diligently labored to improve his style by translations from the works of Greek writers, amongst which he makes special mention of the Œconomics of Xenophon. Nor does it seem possible for him to have adopted a better method for the purpose he had in view. It was that which was recommended by one of the most illustrious of English orators to his still greater son.

Pitt told the late Lord Stanhope that he owed greatly whatever readiness of speech he possessed and aptness in finding the right word, to a practice

[1] Brut. 91.

which his father had impressed upon him. "Lord Chatham had bid him take up any book in some foreign language with which he was well acquainted, in Latin or Greek especially. Lord Chatham then enjoined him to read out of this work a passage in English, stopping when he was not sure of the word to be used in English, until the right word came to his mind and then proceed." [1]

Cicero also practised declamation at home, sometimes in Latin but more frequently in Greek, in order as he tells us to enrich his mind with the copious wealth of that language; and also to have the benefit of instruction and correction from Greek masters, who were present at these exercises. The Stoic teacher Diodotus became an inmate of his house, with whom he studied the rules of dialectics, and who afterwards at a later period died under his roof. And he now began to attempt prose composition, in which his earliest work seems to have been the Treatise *de Inventione*, but he spoke of it afterwards in disparaging terms as a mere schoolboy performance.

He read and appreciated the letters of Cornelia the mother of the Gracchi, lost, alas! to us, which showed how much of their education her sons owed to her; and he found an agreeable relaxation in the charm of female society. He mentions especially the ladies of one accomplished family, Lælia, the wife of Scævola the Augur, and her daughters and granddaughters, whose conversation contributed to refine and improve his taste.

By degrees quieter times succeeded. The fury of

[1] Lord Stanhope's Life of Pitt, I. 8.

the proscription had exhausted itself. Men like Curio, Cotta, and the Lentuli, and others who had been banished or fled from Rome, returned; and in the emphatic words of Cicero, the course of law and the courts was reconstituted, and the Republic was restored

THE ROMAN FORUM.

FROM A PHOTOGRAPH.

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CHAPTER III.

CICERO AT THE BAR.

ÆT. 26–30. B. C. 81–77.

It was at this juncture that Cicero undertook his first cause; or, as we should say of an advocate, held his first brief.

What this case was we cannot now ascertain. It is certain that it was not the case of Publius Quintius, for in his speech on that occasion he expressly tells us that he had been retained, and had spoken in several causes previously. But we may perhaps safely assume that it is the first of his speeches that have come down to us. It was delivered when he was twenty-five years old. The case is rather a complicated one, and affords us a curious insight into the mysteries of Roman law, of which some knowledge is required to be able to understand it. The argument of Cicero is clear and logical, showing that he was well versed in the technicalities of his profession, and fully able even at that early age to cope with such an antagonist as Hortensius, who was "retained" on the other side. But the facts are not of sufficient interest to make it worth while to detail them in this biography.

When he was in his twenty-seventh year, about the same age as that at which Demosthenes first

came forward as a public prosecutor and delivered his speech against Androtion, Cicero made his first appearance in the Forum in a criminal trial for life and death, and defended Sextus Roscius of Ameria, who was accused of parricide, the prosecutor being Chrysogonus. He acquitted himself so well on this occasion that he tells us that business began to flow rapidly in upon him; and there was no cause too important to be intrusted to his care. In fact, his speech for Roscius — although his first in a public or state trial — was the turning-point of his forensic career. We are reminded by it of what is told of Thurlow's appearance in the great Douglas case; and Erskine's defence in the Greenwich Hospital case, when hastening home from the court he exclaimed in triumph to his wife, "*Voilà!* the nonsuit of cow-beef!" Pasquier also, the great French advocate of the sixteenth century, dated all his success from a speech he made in defence of the University of Paris, after he had toiled in thankless obscurity for fourteen years at the bar.

Sextus Roscius the elder was an inhabitant of the municipal town of Ameria, where he had considerable property and was much respected. While making a short stay at Rome he was murdered one night near the Palatine baths as he was returning from a party of friends. The news of his death was brought by a freedman of Titus Roscius, at daybreak next morning, to Ameria, a distance of fifty-six miles. This T. Roscius, surnamed Magnus, as well as another member of the same family surnamed Capito, were both natives of Ameria, and enemies of Sextus. The latter left a son, also named Sextus, whose

life had hitherto been passed in the country, where he attended to the cultivation of his father's estate, to which he was entitled to succeed at the death of the latter. But the Roscii were determined to deprive him of his inheritance, and they induced Chrysogonus, one of Sylla's freedmen and high in his favor, to assert that Sextus had died in debt to him Under pretence of liquidating this, the property was seized and sold at a price miserably below its value, and Capito and Chrysogonus became the purchasers. The former bought for himself three of the most flourishing farms, and took possession of the rest of the estate and effects, under pretence of holding them for Chrysogonus. Not content with this, the two Roscii instigated Erucius to accuse the destitute son of having been the assassin of his father, and Cicero had to defend him against the charge.

The trial is a proof of the corrupt state of society at Rome. There is no doubt that young Roscius was in the most imminent danger of a conviction, and that Cicero trembled for the result. And yet no charge was ever more groundless, or supported in a court of justice by more feeble evidence. This consisted almost entirely in an attempt to show that the father disliked his son, of which the only proof was that he kept him in the country, and that he once had the intention of disinheriting him. That such a case, so bare of even a presumption against the accused, should have occupied a criminal tribunal for a considerable time with a doubtful result, was an outrage against common sense; and can only be explained by considering the deplorable condition of the Republic, when causes were decided not accord-

ing to their merits, but under the influence of bribery or fear. Sylla was all-powerful in the state — Chrysogonus was his favorite; and Cicero knew that these were arguments against his client which would go far to supply the want of facts. He made a masterly and conclusive speech, but much more elaborate than, according to our notions of criminal jurisprudence, the case seemed to require, for not a tittle of evidence was adduced to connect the son with the murder. He was at Ameria at the time; he had neither friends nor influence at Rome; not a shadow of proof was given that he had ever seen or communicated with the assassins; nay, it was unknown who the actual assassins were. All the presumptions of guilt pointed towards the Roscii, Capito and Magnus, especially the latter, whose freedman had brought the first intelligence so rapidly to Ameria, and whose previous character and conduct subsequently to the murder justified the darkest suspicions. Under these circumstances we should imagine that the duty of the counsel for the accused would be simply to stand on the defensive, and challenge the other side to the proof of the indictment. Unless it could be shown that young Roscius was present at, or privy to the murder, there was an end of the case, and he might at once demand an acquittal. But Cicero did not venture upon such a course before the tribunal which he was addressing. He enters most minutely into the whole case; examines every possible view in which it can be presented; carefully balances the presumptions of guilt as they apply to the one party or the other; deprecates the idea of giving offence to Erucius or Chrysogonus; and artfully appeals

to the compassion, and fears, and justice of the court.

Niebuhr says of his conduct on this occasion: "His defence of Roscius of Ameria, whom Chrysogonus wanted to get rid of, excited the greatest admiration of his talents, together with the highest esteem for his own personal character. It was an act of true heroism for a young man like Cicero, and still more so if we consider his family connection with Marius." About the same time Cicero seems to have defended Varenus, who was charged with the crime of murder and convicted; but we possess only a few fragments of the speech. Although he was now fairly launched in his profession, and notwithstanding the reputation which he had gained by his efforts as an advocate, he still did not consider his education for his profession as complete. And when his former preceptor Molo came, in the year B. C. 80, as ambassador from Rhodes to Rome, he placed himself again under his care, and took lessons from the accomplished rhetorician. It is an interesting fact, and shows how familiar had become the knowledge of Greek amongst the educated classes at Rome, that Molo addressed the Senate in that language to thank them for the friendship they had shown to his native state.

The next cause in which Cicero was engaged, at least the next of which we have any notice, although his speech is lost, was one in which he was opposed to Cotta, one of the most celebrated advocates of his day. He appeared against him on behalf of a lady of Arretium, whose right to maintain her suit was contested on the ground that she was not a

Roman citizen. And the trial had something of a political character in it, and exposed Cicero to the risk of offending the all-powerful dictator. For Sylla had deprived the citizens of Arretium of the Roman franchise, which was so much coveted by the Italian towns; and the refusal to recognize their right to it had led to the deplorable conflict of the Social War.

But the incessant labors of the young advocate had now begun to tell seriously upon his health. He had inherited a feeble constitution, and symptoms of consumption began to show themselves. We have described his personal appearance, and his thin frame was hardly equal to the wear and tear of his profession, which demanded much more bodily exertion than we, with our colder and less impassioned manners, can easily form an idea of. With us a speaker, whether in parliament or at the bar, knows little or nothing of the action and delivery of a Roman orator. The only motion we make is with the hand, and too often that is confined to a see-saw monotony of perpendicular action which justifies the satirical comparison by Moore of the speaker to a pump —

> "That up and down its awkward arm doth sway,
> And coolly spout, and spout, and spout away."

Very different, however, was it with the orator of Rome. His whole body was instinct with the fire that burned upon his lips, and the accents that trembled upon his tongue found a corresponding expression in the movement of his limbs. Cicero's gestures partook of the excitement of his mind, and the meaning of his words was enforced by the sympathetic action of his frame. He tells us that he

threw himself, heart and soul, into action when he spoke, and spared no exertion of his limbs, while he strained his voice to the utmost of its pitch in the open air.

Can we then wonder at the consequences which followed? and that he soon suffered from

> "His fiery soul, which, working out its way,
> Fretted the pigmy body to decay,
> And o'er informed the tenement of clay."

He was obliged for a time to retire from the Forum and the Courts, and quitted Rome for Athens, not, as Plutarch says, through fear of Sylla, — whose displeasure he had, as we have seen, not shrunk from braving in the discharge of his duty, — but to seek, by change of air and scene, and cessation from work, the restoration of his health. A visit to Athens — "mother of arts and eloquence" — must have had peculiar charms for Cicero. He was quite at home in the language, and passionately fond of philosophy, which still lingered in the groves of Academus, although oratory had forever fled from a city which was now nothing more than the chief town of a Roman province, and filled with busy idlers, as was the case a century later, when, as they are described by St. Paul, "all the Athenians and strangers which were there spent their time in nothing else but either to tell or to hear some new thing."

The pleasure of Cicero's residence at Athens was enhanced by the society of relatives and friends. His brother Quintus, his cousin Lucius, and his dear friend and life-long correspondent, Titus Pomponius Atticus, were with him there; and for six months they studied together and enjoyed the recre-

ations of the place.[1] Antiochus of Ascalon instructed them in the philosophy of the Academy, while from Zeno and Phædrus they learnt the tenets of the school of Epicurus, to which Atticus, whose habits were those of a refined and self-indulgent man, especially attached himself. Nor did Cicero, even at Athens, neglect his darling pursuit — the art of oratory — which, like every other acquisition and accomplishment, he knew could only be obtained by pains and labor, although in his case it was the labor of love, and eloquence seemed to have settled on his lips in the cradle, as the bees were said to have swarmed on the lips of the infant Pericles. As formerly he had studied under Molo, so now he took lessons in rhetoric and elocution from Demetrius, a native of Syria.

Leaving Athens, Cicero travelled in Asia Minor, and sought every opportunity of improving himself as a speaker by soliciting instruction from the most celebrated masters of rhetoric whom he met with on his journey. He mentions the names of Menippus of Stratonice, Dionysius of Magnesia, Æschylus of Cnidus, and Xenocles of Adramyttium, who contributed to the formation of his style. And as he passed through Rhodes, on his return to Rome, Molo had the pleasure of welcoming his old pupil, who did not disdain, for the third time, to place himself under his tuition, and receive from him some kindly corrections of what he himself described as the too redundant and florid oratory of his youthful years. The metaphor by which he characterized it was that

[1] Drumann thinks it is probable that Cicero while at Athens was initiated into the Eleusinian mysteries. See the subject alluded to *de Legg.* II. 14.

of a river that overflowed its banks; and to this his eloquence may be compared to the latest period of his life. It arose, no doubt, from his astonishing command of language, which came pouring forth from his lips in a full and inexhaustible torrent, and spread over his subject like an inundation of the Nile.

At the end of two years Cicero returned to Rome. He was now thirty years old. His health was completely reëstablished, and, as he himself expresses it, he came back almost a changed man. Sylla had died the year before, and the leading advocates at this time in Rome were Cotta and Hortensius, the latter of whom was eight years Cicero's senior. He was *par excellence* an advocate; confining himself chiefly to the courts of law and public trials, and taking little part in the politics of the day. But he rose through the usual gradation of offices to the consulship, to obtain which it was almost essential to be a popular orator, and to address the multitude from the Rostra; unless, indeed, the candidate were wealthy enough to bribe the suffrages of the people on an enormous scale, and trust to the influence of gold rather than the influence of eloquence. Corruption was now fast eating its way into the heart of Roman institutions. Bribery was shamelessly resorted to, not only for political objects, but to secure verdicts in the courts, where the *judices*, or, as we may almost without inaccuracy call them, jurymen, prostituted their consciences and sold themselves to the highest bidder. I am not now speaking of the prætorian or centumviral courts, where civil causes were tried, but the public or state trials before

judices, who at this time were taken exclusively from the class of senators. It was a long struggle between them and the knights as to which body should have this important jurisdiction. Each accused the other of corruption, and of selling verdicts for a bribe, and each was, beyond all doubt, right in the charge it made.

It was probably about this time that Cicero appeared as the advocate of Roscius, the comic actor, in a civil suit, and delivered a speech which, although it has come down to us in an imperfect state, enables us to understand the subject-matter of the action and the argument.

Fannius Chærea had given up one of his slaves, named Panurgus, to Roscius, on the terms that the latter was to instruct him in acting, and they were afterwards to share between them whatever he gained by his art. Panurgus received the requisite instruction and went upon the stage, but was not long afterwards killed — how, does not appear — by a man named Q. Flavius. Roscius brought an action for this against the latter, and the management of the case was committed to Fannius. Before, however, it was tried, Roscius compromised the matter, but only so far as regarded his own moiety, as he alleged, and Flavius gave up a farm to him in satisfaction of damages. Several years had elapsed, when Fannius applied to the Prætor for an order that the accounts between him and Roscius might be settled by arbitration. Calpurnius Piso was appointed arbitrator. He did not make a formal award, but recommended that Roscius should pay to Fannius 10,000 sesterces (about 90*l.*) for the

trouble and expense which the latter had incurred in conducting the action against Flavius, and that Fannius should enter into an engagement to pay over to Roscius the half of whatever he recovered from Flavius. Fannius agreed to this, and then brought an action on his own account against Flavius for the loss he had sustained by the death of Panurgus, and got a verdict for 100,000 sesterces (about 900*l.*). Half of this, according to agreement, ought to have been paid over to Roscius, but Fannius not only retained it, but commenced an action against Roscius for a moiety of the value of the farm which the latter had obtained from Flavius, on the pretext that Roscius had settled the former action and obtained the farm on the partnership account.

Cicero maintained that his client owed Fannius nothing. So confident was he of the strength of his case that he offered to consent to a verdict against him, provided the plaintiff could show that the debt now claimed was entered in his ledger. He was willing to allow the entries of the plaintiff to be evidence in his own favor; and in tendering such an issue we may be very sure that he had good information that he might do so with safety. But he made a distinction between the ledger (*tabulæ* or *codex*) and the day-book, or mere memorandum of account (*adversaria*). Fannius wished to put the latter in evidence, but Cicero objected, and said that he could not admit loose papers, full of erasures and interlineations, in which, no doubt, Fannius had inserted the debt when he determined to make his unjust claim.

He seized the opportunity of praising the skill and virtue of his client, whose name as an actor has become so famous.

"Has Roscius defrauded his partner? Can such an imputation rest upon one who has in him — I say it boldly — more honesty than he has art; more truth than accomplishments; whom the Roman people consider to be a better man than he is an actor; who, though admirably fitted for the stage on account of his skill in his profession, yet is most worthy of being a senator on account of his modesty and decorum?"

The exact date of Cicero's marriage is not known, but it is generally supposed to have taken place when he was in his thirty-first year.[1] His wife was Terentia, a lady of respectable family, whose sister Fabia was a Vestal virgin. With her he lived many years happily, and, apparently, with warm affection on both sides, until he quarrelled with her for some mysterious reason, and the marriage was terminated by a divorce.

Plutarch asserts that Terentia was a woman of violent temper; and Niebuhr goes so far as to say that, "in his marriage Cicero was not happy. His wife was a domineering and disagreeable woman; and as, owing to his great sensibility, he allowed himself to be very much influenced by those who surrounded him, his wife also exercised great power over him, which is the more remarkable because he had no real love for her. It was she who, unfortu-

[1] Drumann places the marriage earlier, and thinks it took place before Cicero went to Greece. He is influenced chiefly by the consideration that if it was in the year assumed in the text, it would follow that Cicero's daughter was betrothed at the age of nine and married at the age of thirteen.

nately for him, led him to do things which drew upon him the enmity of others."[1] I believe the description here given of Terentia to be most unjust, and, unless I deceive myself, the sequel of the biography will show that she was an amiable woman and a most loving, devoted wife.

[1] Hist. of Rome, V. 20.

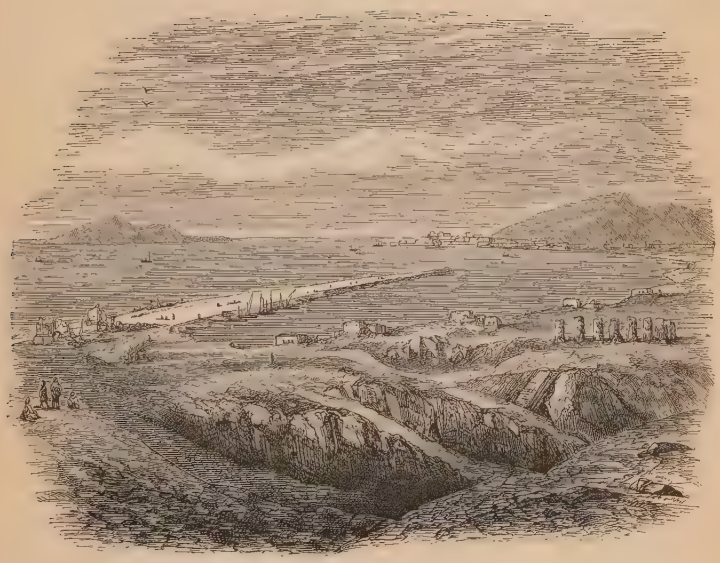
CHAPTER IV.

QUÆSTOR AND CURULE ÆDILE.

Æt. 31-38. B. C. 76-69.

Cicero had now attained the age of thirty-one years; when, according to the Roman law, he was eligible for the first and lowest of the public employments of the state — the office of Quæstor. The ascending steps in the ladder of advancement were those of Quæstor, Ædile, Prætor — until they culminated in the Consulship, the highest object of ambition to a Roman citizen. Cicero was elected one of the quæstors and Hortensius one of the ædiles for the following year, and the province of Sicily was allotted to him, his immediate superior in the government of it being the prætor, Sextus Peducæus. He left Rome at the age of thirty-two, and spent a year in Sicily.

That island was then, and continued for many years to be, one of the most fertile of the dominions subject to the Republic. It was, in fact, called the granary of Rome, and the greatest part of the corn consumed in the metropolis was imported from Sicily and Egypt. It was divided into two provincial governments: one called Lilybæum, from the chief town in the district of that name — the modern Marsala; and the other, Syracuse. The Romans



SITE OF LILYBÆUM, NOW MARSALA.

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were accustomed to determine the choice of almost all public employments by lot, and the chance of fortune gave Cicero Lilybæum as his province.

We possess few details of his quæstorship, but we know that he discharged the duties of his office with scrupulous honesty and disinterestedness, and conciliated in a remarkable degree the good-will and attachment of the Sicilians. During his year of office there was a severe scarcity at Rome, but Cicero, whose especial duty it was to attend to the exportation of grain from the island, was able, by the measures he took, to alleviate the distress in the capital without inflicting any serious burden on the inhabitants. And he had an opportunity of exercising his profession as an advocate, for he successfully defended before his prætor some young Romans of good family who were accused of breach of military discipline, if not desertion from the service. During a visit to Syracuse he had the good fortune, while exploring the antiquities, to discover near the gate that led to Agrigentum, the tomb of Archimedes. It had been half buried amidst rubbish, and overgrown with brambles, so that the fellow-citizens of the great mathematician had forgotten its existence.

> "When Tully paused amidst the wreck of time
> On the rude stone to trace the truth sublime;
> Where at his feet, in honored dust disclosed,
> The immortal sage of Syracuse reposed."

He knew that on the stone which marked the grave were sculptured the figures of a sphere and a cylinder, and observing these on a small pillar, the top of which peered out amongst the bushes with

which the spot was overgrown, he at once discovered the tomb of which he was in search.

On leaving the island, every mark of respect which it was in the power of the inhabitants to bestow was shown him by the grateful Sicilians. He tells us that extraordinary and unheard-of honors were invented for him, but he does not specify their nature. He quitted the shores of Sicily leaving behind him the reputation of a disinterested and upright public servant, and carrying with him the good-will and confidence of the inhabitants, of which a striking proof was soon to be afforded.[1]

It was characteristic of Cicero's mind to dwell with self-complacency on his own merits. His foible was vanity, and he seldom lost an opportunity of praising himself where he thought that praise had been deserved. He was pleased with his own conduct as quæstor, and was in hopes that the fame of his administration had extended to Italy, and even gained him a reputation at Rome. But he good-humoredly tells us an anecdote to show how fallacious his expectations were, and how, like many others since his time, he mistook the small pipe of praise in a limited sphere for the trumpet of fame in the great world. In order to understand the point of the story, we must bear in mind that there were

[1] In his "Two Last Pleadings of Cicero against Verres" (London, 1812), Kelsall mentions that when he visited Marsala (the ancient Lilybæum) he was told by his guide that he could show him the house in which Cicero lived when he was at Lilybæum. On arriving there he found it a white-washed house of a date not earlier than the 16th century. "*Questi, Signor*," said the honest Sicilian, "*fu la casa dove dimorava il Signor Cicerone quand il fu in Marsala.*" It turned out that this was the house where the guide's father had lived, who, like his son, was *Cicerone* of Marsala. It is curious that Cicero's name should have come to signify "lionizer."

two provinces in Sicily, the province of Lilybæum and the province of Syracuse, and the quæstor of the one was a distinct person from the quæstor of the other.

On landing at Puteoli, near Baiæ, which was then a fashionable watering-place, and crowded with visitors, he met a person, apparently an acquaintance, who asked him on what day he had left Rome, and what the news there was. "I have just come from my province," replied Cicero. "Oh! to be sure," said the other, "from Africa, I believe?" This was too much, and Cicero answered angrily, "No; from Sicily." Upon which a by-stander interposed, and turning to the questioner said, "What! don't you know that this gentleman has been quæstor in *Syracuse?*"

This little incident opened Cicero's eyes to the true state of the case. It was no use to be angry; and so, putting his dignity in his pocket, — not that the Romans really wore pockets, which is an invention of modern civilization, — he mingled quietly with the crowd. But he also derived a useful lesson from the affront to his vanity. He saw the danger of absence if he wished for popularity, and determined from henceforth to keep himself before the people by actual presence amongst them; and from that time, to use his own words, he stuck close to the Forum — never allowed his hall-porter (*janitor*) to deny him to a visitor, not even when he had retired to rest.

On his return to Rome he betook himself afresh to the duties of an advocate, and was busily engaged in the Forum while the Servile War raged in Italy,

the insurrection being headed by the bold and desperate leader Spartacus. He was killed in battle B. C. 71, and the revolt was finally extinguished by Pompey when he came back from Spain.

Five years must now elapse before Cicero would be of the requisite age — thirty-eight — to hold the office of ædile, the next public dignity open to his ambition. But having been quæstor, and possessing a sufficient qualification in point of fortune, he was eligible for admission into the Senate, and was accordingly placed by the censors on the list or roll of senators.

That during the next three or four years he was busily engaged in forensic labors we know from his own account of himself, but we do not possess a single speech, or even fragment of a speech, until B. C. 70, when, at the age of thirty-seven, he became a candidate for the ædileship.

I know not to what cause to attribute this blank in the records of his life. The very names of nearly all the speeches he delivered during this period have perished; but one of them, *pro M. Tullio*, is mentioned by Quintilian as extant in his time. Drumann thinks it belongs to the year B. C. 71. It seems that there was a quarrel between Tullius and Fabius as to the right to a certain house in Lucania; and the slaves of Fabius had attacked the slaves of Tullius, killed some of them, and pulled down the house.

It was Cicero's proud boast in after-years that he had filled every public office at the earliest age at which it could legally be held (*anno suo*). His splendid reputation as an advocate made him at this time

one of the most popular men at Rome, and he was unanimously elected Curule Ædile for the following year, coming in first of all the competitors, or, as we should say, at the head of the poll. But he did not rely merely upon reputation. He took care not to neglect any of the means whereby the favor of his fellow-citizens might be conciliated and their votes secured at future elections. At no time, and in no part of the world, not even in the United States, has canvassing been reduced to such a system, and carried on with such persevering assiduity, as at Rome in the days of Cicero. The aspirant to office had to practise on a large scale, and for a long period beforehand, all the arts which are resorted to in this country by the candidate for a borough or county on the eve of a contested election; and as the number of electors at Rome and in the provinces was enormous, and yet each elector expected some personal attention to himself, the neglect of which he could punish by refusing to vote, or by giving his vote to a rival, the candidates endeavored, as far as possible, to become acquainted with the names and faces of the electors, and flattered them by civilities when they met them in the streets, the Forum, or the markets. For this purpose it was usual to employ intelligent slaves, whose duty it was to become familiar with the persons of the voters, ferret out information respecting them, and act in some respects like the ear-flappers in Swift's Laputa by directing the candidate's attention, as he walked along, to the different electors, and telling him their names. These useful attendants were called *nomenclatores*, and many amusing passages occur in the Latin writ-

ers about them. Of course, one of the first acts of courtesy on the part of a candidate is to shake hands with the voter, and this was so universally the custom at Rome on such occasions that the expression "to shake hands" (*manu prensare*) came to be synonymous with beginning to canvass. But, as may well be supposed, all the arts employed were not so innocent as this. Bribery and corruption were resorted to on an enormous scale, and the venal voters found the exercise of their franchise a profitable trade, notwithstanding that law after law was passed to forbid and punish bribery. It was so systematically practised that particular names, such as *divisores* and *sequestres*, were given to the agents who distributed the money.[1]

It was during this year and as ædile elect that Cicero undertook one of the most celebrated cases in which he ever was engaged, and one of the very few in which he appeared as public prosecutor. This was the great Verres cause, which of all the trials of antiquity bears in many of its circumstances the nearest resemblance to the impeachment of Warren Hastings at the latter end of the eighteenth century.

Caius Verres, whose name has become a by-word for oppression and misrule, had, at the expiration of his year of office as prætor, B. C. 73, the island of Sicily allotted to him as his province, and he held the government for three years. Sicily at that time was a flourishing and prosperous country. The soil

[1] When Julius Cæsar was Dictator, he used to furnish the candidates whom he favored with tickets, on which was written, "Cæsar to such a tribe. — I recommend to you such a one, and hope you will vote for him." See Sueton. *Cæsar*.

was fertile and well cultivated, and, as we have seen, large quantities of corn were exported yearly from the island to Rome. The cities were adorned with splendid palaces and temples, the monuments of Grecian taste and magnificence; and costly treasures of art in the shape of statues, pictures, and ornamental furniture, attested the wealth and luxury of the inhabitants. The government of such a province afforded a tempting opportunity for plunder, and Verres was not the man to neglect the opportunity which fortune had thrown in his way. It is difficult to credit the tales that are told of his rapacity, and we must search the dark annals of Oriental iniquity to find satraps like him. We might admire his passion for works of art, which amounted almost to insanity, were it not for the means he took to gratify it. But these were a series of cruel robberies.

He held the government for three years, and seems to have combined every quality of a bad man and unjust ruler. During that long period the wretched inhabitants were the victims of his rapacity, cruelty, and lust. He imposed heavy and unheard-of duties upon the produce of land and exports of commerce, and put the money into his own pocket. By violent interference with their contracts he reduced to beggary the farmers of the revenue. He plundered the towns of their works of art, sparing neither the temples of the gods nor the private dwellings of men. Statues and pictures and jewelled cups were torn from their owners and appropriated to himself. To take one instance alone: he robbed the oratory of Heius, the Messanian, of a marble Cupid by Praxi-

teles, two basket-bearers (Canephori) by Polycletus, and a Hercules by Myron, and then pretended that he had bought them. It was not safe to seal a letter with a ring on which there was a well-cut engraving for if Verres saw the impression he made the owner give him the ring.

But he was as cruel as he was rapacious. There was a deep and dreadful dungeon at Syracuse, called Latomiæ, formed out of a stone quarry by the tyrant Dionysius, and used as a prison for malefactors. Into this Roman citizens were thrown by Verres and kept in chains until they were strangled by his orders. One unhappy man amongst them, named Gavius, contrived to escape from the horrible place and fled to Messana. Here he made no secret of his intention to embark for Rome and impeach Verres there. But he was seized by the magistrates, who at Messana were the obsequious creatures of the governor, and Verres happening to arrive the same day, condemned him to be first stripped and flogged naked in the market-place and then crucified. While the poor wretch was being scourged no sound escaped his lips except the oft-repeated cry, *Civis Romanus sum!* as if, says Cicero, he thought those magic words would have power to save him. But in vain. Verres ordered a cross to be erected on a headland that commanded a view of Italy across the strait, saying in savage mockery, that as Gavius called himself a Roman citizen, he might have the opportunity of looking towards his land. And there he was crucified and died.

This may serve as a specimen of the terrible charges which Verres had to meet; but to go through

the long list would be to transcribe whole pages of the orations which Cicero had prepared, but which, owing to the sudden and unexpected collapse of the defence, he had no occasion to deliver. A modern writer has indeed said that he will "venture to raise a doubt whether Verres ought really to be considered that exorbitant criminal whose guilt has been so profoundly impressed upon us by the forensic artifices of Cicero;"[1] but making every allowance for rhetorical exaggeration as to the mode in which the charges were "impressed" by the orator, there can be no doubt that they were substantially true. An attempt has been made of late years to vindicate the character of Robespierre, and when that has been successful — but not till then — we may expect to see the memory of Verres rescued from the execration of mankind.

To drag this great criminal to justice, a deputation from all the principal cities of Sicily, except Syracuse, was sent to Rome; and to whom would they so naturally turn for help as to the man who lived in their memories as the first quæstor of Sicily, and who was then in the zenith of his fame as the most eloquent advocate of his day? They applied to Cicero to come forward as the accuser of Verres, and he readily consented to conduct the prosecution. But there was a preliminary difficulty to be got over. Verres had influential friends and connections, and was backed by the support of the powerful families of the Scipios and Metelli. As it was impossible for him altogether to avoid a trial, the best plan for averting the danger seemed to be to make the prose-

[1] De Quincey. See his collected works, article Cicero.

cution a sham, by employing a friend to conduct it, or at all events some one who would betray the cause he undertook. This was a practice well known at Rome, and called *prævaricatio*, that is, collusion with an adversary at a trial. A creature of Verres, named Quintus Cæcilius Niger, who had been his quæstor in Sicily, was put forward to assert the right to be prosecutor, and Cicero had to contest this all-important point with him at the first stage of the proceedings, when he delivered his famous speech *in Cæcilium* or *de Divinatione*, and triumphantly vindicated his claim.

The preliminary question was called *divinatio*, because the court decided it on argument alone without any evidence. The speech of Cicero on this occasion is a masterpiece of art. For cutting sarcasm and irony it has never been surpassed. It suited his purpose to exaggerate the merits of Hortensius as an advocate, in order to contrast them with the deficiencies of Cæcilius. It would, he said, be an *impar congressus;* and what more ludicrous effect of the disparity between two opposing counsel can be imagined than an uneasy suspicion produced in the mind of the prosecuting counsel by the speech of his antagonist that the client whom that antagonist defends is innocent? Yet this is what Cicero suggests. Addressing Cæcilius, he said: —

"You yourself would begin to be afraid that you were prosecuting an innocent man." He showed that the pretended enmity of Cæcilius towards Verres was a sham. If they had quarrelled, they had been reconciled. Besides, he had been mixed up with the frauds and oppressions of Verres, and how could he accuse another of that of which he had been guilty himself? The character of his intellect unfitted him to conduct so great and difficult

a case. It required a man who could not only speak but attract the attention of his audience. If he had learnt Greek at Athens and not at Lilybæum, and Latin at Rome and not in Sicily, it would still be difficult for him to undertake such an important cause. He had neither the industry, nor the memory, nor the eloquence which it required. And then with well-affected modesty he alluded to himself. "You will say perhaps, 'Do *you* then possess all these qualifications?' I wish indeed I did! but at all events it has been my constant study from my earliest youth to endeavor to possess them. . . . . Even I, who, as everybody knows, have had such practice in the Forum and the courts, that none or few even of the same age have undertaken more causes, — and who have devoted all the time I could spare from the cases of friends committed to my care to make myself more apt and ready for forensic business, — I, I say, so help me Heaven! when the day approaches on which I shall be called upon to defend a client, am not only disturbed in mind, but tremble in every limb."

He went on to say that he was not afraid of Hortensius as an opponent. He knew all his arts and style of speaking, for he had often encountered him as an antagonist. But what would become of Cæcilius? Hortensius would so puzzle him and perplex him with dilemmas, that whichever way he turned he would be caught. His mind would get into a pitiable state of confusion, and the very gestures and action of the great orator, to say nothing of his eloquence, would so confound him that his wits would desert him. But there was an easy mode of testing his capacity.

"If you, Cæcilius, to-day," said Cicero, "can answer me; if you can venture to change a word of that written speech which some schoolmaster has composed for you, made up of scraps of other men's orations, I shall think you not unfit for the conduct of the prosecution, and able to do your duty in the cause. But if in this rehearsal you cannot cope with me, what must we think will become of you in the real combat with your fierce and eager adversary?"

Addressing the court in conclusion he said: —

"You must determine which of us two you think is most fitted to undertake a case of this magnitude with good faith, with industry, with skill, and with authority. If you prefer Cæcilius to me, I shall not deem myself lowered in estimation; but take care that the people of Rome do not suspect that so honest, sincere, and thorough a prosecution as I should conduct was not to your liking nor agreeable to your order."

The point being settled in his favor, Cicero was allowed one hundred and ten days to collect the evidence and prepare the case. Accompanied by his cousin Lucius, who afterwards assisted him at the trial, he went to Sicily, and worked so assiduously, that in fifty days he was ready to open the impeachment. At Syracuse and Messana alone did he meet with any difficulty in procuring evidence. But he soon overcame the opposition of the Syracusans, and was able to induce them to erase from the city records a complimentary decree which Verres had extorted from their fears. He was invited to meet the Senate in the town hall, and addressed them in Greek. They asked him why he had been shy in coming to Syracuse to prosecute his inquiries, and he told them that he had expected little assistance from a city which had sent a deputation to Rome to support Verres, and which had a gilt statue of him in its public hall. At Messana he was thwarted by the new prætor Metellus, the successor and friend — perhaps relative — of Verres, and the inhabitants were forbidden to afford him any assistance. But Cicero had evidence enough; and armed with a mass of documents, and attended by a crowd of witnesses, he crossed over to Velia, on the Bruttian coast, and

there, to avoid the brigands who then as now infested that part of Italy, took ship for Rome, where he arrived nearly two months before he was expected.

The great object of Verres and his friends now was delay. If the trial could be put off, or rather spun out until the following year, the chances were that he would escape. Hortensius was already consul elect. He would enter upon office in January. The Metelli were fast friends of Verres, and instead of Glabrio, Marcus Metellus would be prætor at Rome, and Lucius Metellus prætorian governor of Sicily. Many of the members of the court (*judices*) as now constituted would be disqualified from sitting by becoming tribunes or holding other offices; and by repeated challenges Cicero had at last obtained a jury on whose honesty he thought he could rely. The witnesses would be tampered with by bribes or terrified by threats. The impeachment would drag its slow length along, and men would begin to get tired of it, as was the case with the trial of Warren Hastings. The business days during the remainder of the present year were few, owing to the frequent interruptions caused by festivals and games. If then the prosecution were conducted in the usual manner, with long speeches continued from day to day, it would be easy for Hortensius to prevent the case from being finished within the year. But Cicero was determined not to be so baffled. He was thoroughly in earnest, and cared less to distinguish himself as an orator than to convict the criminal. He therefore abandoned the idea of opening the case in the usual manner, and resolved to bring forward his

witnesses at once and let the evidence tell its own tale.

The judices were at this period taken exclusively from the senators. This jurisdiction had been restored to them after a cessation of fifty years, during which it had been transferred to the knights. The court met in the Temple of Castor, and Glabrio, the city prætor, a just and honest man, was president. It was an exciting and memorable scene. "From the foot of Mount Taurus, from the shores of the Black Sea, from many cities of the Grecian mainland, from many islands of the Ægæan, from every city or market-town of Sicily, deputations thronged to Rome. In the porticos and on the steps of the temple, in the area of the Forum, in the colonnades that surrounded it, on the house-tops and on the overlooking declivities, were stationed dense and eager crowds of impoverished heirs and their guardians, bankrupt *publicans* and corn-merchants, fathers bewailing their children carried off to the prætor's harem, children mourning for their parents dead in the prætor's dungeons, Greek nobles whose descent was traced to Cecrops or Eurysthenes, or to the great Ionian and Minyan houses, and Phœnicians whose ancestors had been priests of the Tyrian Melcarth, or claimed kindred with the Zidonian Iah, all these and more came flocking,' and the casual multitude was swelled by thousands of spectators from Italy, partly attracted by the approaching games, and partly by curiosity to behold a criminal who had scourged and crucified Roman citizens, who had respected neither local nor national shrines, and who boasted that wealth would yet rescue the

murderer, the violator, and the temple-robber from the hand of man and from the Nemesis of the Gods." [1]

The trial began on the 7th of August, and the speech with which Cicero opened the case is known by the name of *Interrogatio Testium*, because it was in fact merely a short introduction to the appearance of the witnesses on whose evidence he relied.[2]

In it he complained bitterly of the attempts made by Verres to compel the jury to stifle the prosecution. He hinted intelligibly enough that a bribe had been offered to himself. He spoke boldly and openly of the shameful extent to which judicial bribery was carried, mentioning cases that were notorious, and amongst others that of a senator who had taken money from the accused to be distributed amongst his fellow-jurors for a verdict of acquittal, and money from the prosecutor to give, himself, a verdict of guilty. Well then might he exclaim, *nulla in judiciis severitas, nulla religio, nulla jam existimantur esse judicia.* He warned the court that on the issue depended whether the senators should retain their judicial jurisdiction, and contrasted the state of things when the knights had that jurisdiction with what it was now, declaring that then for fifty years there was not even a suspicion of a bribed verdict. He told them that so confident were Verres's friends that he would get off if the trial could only be procrastinated until the following year, that when Hortensius was declared consul elect and was returning

1 Art. Verres in Smith's Gr. and Rom. Biography.

2 The other five Verrine orations which we possess were written but not delivered by Cicero. They were published after the condemnation, and remain an imperishable monument of his industry, ability, and eloquence.

from the Campus Martius escorted by his supporters, Curio ran up to Verres and embraced him, crying out, "I congratulate you, fear nothing; — to-day's election has secured you an acquittal." There never was, he said, a tribunal since courts existed in Rome composed of such august and illustrious members as the present. If it failed in its duty, as it would be impossible to find in the whole body of senators men more fit for the office, the conclusion would be that the jurisdiction must be transferred to some other class. The usual course in a prosecution was, he admitted, to have all the speeches first, and hear the witnesses afterwards, but he intended now to produce the evidence on each article of charge separately, and he concluded by formally stating that which he brought forward first.

"We say that Caius Verres, whilst he has in many things acted rapaciously and cruelly towards Roman citizens and our allies, and nefariously towards gods and men, has besides carried off from Sicily forty millions of sesterces contrary to law."

The examination of the witnesses lasted nine days, but the defence broke down at once. Hortensius seems to have been a bad hand at cross-examination, and lost his temper. He put only a few questions, and then abandoned the case. It was during the contest that Cicero made one of his sarcastic jokes. Hortensius (in violation of the Cincian law which required the services of advocates at Rome to be gratuitous) accepted as a present from Verres a valuable image of the Sphinx, one of the spoils he had brought from Sicily, and while cross-examining a witness he said, "You speak in riddles;

I cannot understand you!" — "Well!" interrupted Cicero, "that 's odd, for you have a sphinx at home to solve them."

Verres soon saw that the evidence was too strong for him to get over, and he slunk away from Rome on the third day after the trial began. He was condemned to banishment, and a heavy fine was also imposed upon him. He retired to Marseilles with a large portion of his ill-gotten wealth, and the works of art he had carried off from Sicily; and we are told that Antony afterwards placed his name in the proscription list because he would not part with some Corinthian vases which the Triumvir coveted.

In the following year Cicero entered on the office of Curule Ædile, which gave him the right to the curule chair (*sella curulis* [1]), — a seat of ivory like the Lord Chancellor's marble chair in Westminster Hall in former times, — and also to the *jus imaginum* or privilege of placing his bust in wax or marble in his hall, which was the heraldic emblazonment of ancient Rome, and in fact ennobled the family of the magistrate who was entitled to the honor. A Roman family was as proud of the number of busts of ancestors — some of them blackened by age — which it could show in the *atrium* or hall of the house, as in modern days an English family is of the quarterings on its shield.

The duties of Curule Ædile are detailed by Cicero in one of his orations against Verres. The nearest equivalent to such an office in this country is that

1 Aulus Gell. Noct. Att. III. 18, derives the word *curulis* from *currus*, because as he says, certain magistrates in the early times of the Republic used as a mark of honor to be carried to the senate-house in a carriage (*currus*, in which was a seat called *curulis*.

of First Commissioner of Public Works, and in some points the functions are analogous. They were two in number, besides two "plebeian" ædiles, whose duties were so nearly the same that it is hardly worth while to point out the difference. They had the care of the public buildings (*ædes*) and especially the temples, also of the streets and markets, and superintended the police of the city. They also provided for the celebration of the great religious festivals at Rome, and exhibited the annual games in honor of different deities of which the Romans were so passionately fond. This of course entailed considerable expense, and it does not appear that there was any salary attached to the office, or any fund upon which the ædile could draw except his own resources. But just as mayors in corporate towns in England differ in the frequency and cost of their entertainments during their year of office, so the ædiles of Rome differed in the outlay they lavished upon the public shows. It gave those who were ambitious an admirable opportunity of buying popular favor, with a view to the higher honors of the state. Many men ruined themselves by the profusion and extravagance of the spectacles and games they exhibited, incurring an expense of which it is hardly possible in these times to form an adequate conception. Amongst those whose names have been handed down to us as conspicuous for the magnificence of their shows while filling the office of ædile are Atticus,[1] Julius Cæsar, Lentulus Spinther, and Æmilius Scaurus. It was customary during the festivals of the year,

[1] Cicero says that Atticus ransacked all Greece and the Greek islands for works of art to give *éclat* to his ædileship. — *Pro Domo*, 43.

for the ædiles to adorn the Forum with all possible splendor, and for this purpose they borrowed from friends and others works of art, such as pictures and statues. Thus Cicero mentions that Caius Claudius borrowed a famous Cupid in marble by Praxiteles, from Heius, a wealthy native of Messana in Sicily, and contrasts his conduct in borrowing and restoring it, with the conduct of Verres, who plundered Heius's sacristy or chapel of the same Cupid. Verres lent to Hortensius and Metellus, when they filled the office of ædile, the statues which he had carried off from Sicily, and a magnificent display they must have made. Plutarch tells us that the Sicilians assisted Cicero in many ways during his ædileship, out of gratitude for his services, and in memory of his conduct as their quæstor at Rome.

He exhibited the usual shows and games, but could rely upon other sources of popularity, and avoided unnecessary expense. He says himself that his ædileship did not cost him much. At the same time it was necessary to do the thing on a liberal scale.[1] The people did not like to be balked of their spectacles, and a stingy ædile would have a poor chance of the consulship.

In the mean time Cicero did not neglect his profession as an advocate. He defended Fonteius in a criminal case, and Cæcina in a civil action, and we possess both the speeches he delivered — but the former only in an imperfect shape.

Fonteius had held the prætorian government of Gaul for three years, and was accused of extortion

[1] Quanquam intelligo in nostrâ civitate inveterasse et jam bonis temporibus ut splendor ædilitatum ab optimis viris postuletur. — *De Off.* II. 16.

and corruption by the inhabitants of the province. Cicero challenged the other side to produce a single trustworthy witness or piece of evidence to substantiate the charge. Gallic witnesses were not to be believed upon their oaths. Could they give credit to the testimony of men who belonged to a nation which retained to that day the horrid and barbarous custom of human sacrifices? Were they to be frightened by the threats of those "cloaked and trousered" (*sagatos et braccatos*) foreigners who swaggered in the Forum, declaring that there would be a fresh Gallic war if Fonteius were acquitted? These were the men whose ancestors had pillaged the Oracle of Delphi and besieged the Capitol of Rome. It would be a disgrace and shame if the news reached Gaul that Roman senators and knights gave their verdict, not because they believed the evidence of Gallic witnesses, but because they were terrified by their threats. One of the charges against Fonteius was that he had accepted bribes to relieve some of the provincials from the burden of making roads, or to take no notice if they were badly made; but this Cicero disposed of by showing the orders which Fonteius had given to his lieutenants on the subject, and the way in which those orders had been obeyed. Another charge was that he had exacted illegal duties upon wine; but that part of the speech in which his advocate dealt with this, is lost. He quoted numerous instances in which the testimony of Roman nobles of the highest character had been discredited, because they were supposed to be influenced by personal enmity against the accused, and argued that *a fortiori* the evidence of men, such as the Gauls

who hated Fonteius, ought to be disbelieved. These were not times when Rome could afford to lose a man like him. He pointed to him as he stood before them, with his mother and vestal sister clinging to his embrace. Other women might become wives and mothers, but to Fonteia, a vestal virgin, her brother was the only being on whom she could lavish her affections. Let them take care that the everlasting fire that burnt upon the altar, kept up by her nightly vigils, was not extinguished by her tears. It concerned the honor of the Roman people that it should not be said that the threats of Gauls had more influence with them than a Vestal's prayers.

It would be impossible to make the next case, in which he appeared for Cæcina, interesting. The question turned upon the point whether illegal force had been used in ejecting Cæcina from some landed property which he claimed in right of his deceased wife, who had left him her heir.[1]

[1] To this period most probably may be referred the speeches *pro Matridio* and *pro Oppio*. The latter is chiefly known from a few fragments found in Quintilian. Oppius was quæstor of Aurelius Cotta, governor of Asia Minor, and seems to have drawn his sword upon the proconsul.

CHAPTER V.

CORRESPONDENCE AND DOMESTIC LIFE.

ÆT. 39. B. C. 68.

THE year following his ædileship, B. C. 68, is that in which Cicero's extant correspondence first begins. It is a rich mine of information, and furnishes the best materials, not only for his own biography, but a great part of the history of the time. Nowhere else do we find such a vivid picture of contemporary events. We seem to be present at the shifting scenes of the drama, as the plot unfolds itself which involves the destinies of Rome. We hear the groans of the expiring Republic, which had been mortally wounded during the long civil wars of Marius and Sylla, and was fast sinking under the flood of social and political corruption which is sure to follow in the train of civil war. At one time we watch with eager impatience the arrival of a courier at Tusculum, with a letter from Atticus telling his friend the news of the day; and in Cicero's reply we read all the fluctuations of hope and fear which agitated him during the momentous crisis of his country's fate. At another we contemplate the great orator and statesman in the seclusion of his villa, as a plain country gentleman, busying himself with improvements on his estate, building farm-houses, laying out and

planting shrubberies, and turning watercourses, or amusing himself with pictures and statues, and the various objects which interest a man of refined and cultivated taste. At another we find him at Rome, sick, weary, and disgusted with the din of strife, mistrusting everybody where no one seems worthy of trust, and harping ever on the vanity of ambition and the worthlessness of popular applause. We see him at one moment exalted to the summit of human glory when saluted in the Senate by the proud title of *Pater Patriæ*, and at another sunk in the lowest depths of despair when he is a wandering fugitive exile from Rome, and tells his wife that while he writes he is blinded by his tears.

There is a charm in these letters to which we have nothing comparable in all that antiquity has spared us. To say nothing of their exquisite Latinity, and not unfrequently their playful wit, they have a freshness and reality which no narrative of bygone events can ever hope to attain. We see in them Cicero as he was. We behold him in his strength and in his weakness — the bold advocate, and yet timid and vacillating statesman — the fond husband — the affectionate father — the kind master — the warm-hearted friend. I speak not now of his political correspondence, written with an object in view, and with a consciousness that it might one day be made public, but his private letters to his relatives and friends, in which he poured out the whole secret of his soul, and laid bare his innermost thoughts, yearning for sympathy and clinging for support. To quote the words of De Quincey:[1] "In them we come

[1] Collected Works, article Cicero.

suddenly into deep lulls of angry passion, — here upon a scheme for the extension of literature by a domestic history, or by a comparison of Greek with Roman jurisprudence; there again upon some ancient problem from the quiet fields of philosophy." They show that he was a man of genial soul, and of a most kind and amiable disposition, — what Dr. Johnson would have called a thoroughly "clubable" person. He is never more at home than when he is indulging in a little pleasant banter and irony, as when he makes fun of Trebatius the lawyer, who had left the atmosphere of the courts, to turn soldier and serve under Cæsar in Gaul. But he is always the scholar and the gentleman; and no one had more of that refined polish which the Romans described by the expressive word *urbanitas*. I do not think that in the whole of his correspondence a single coarse word or vulgar idea occurs. It is not so in his speeches. There he often indulged in language which is, according to modern notions, offensive to good taste and even decency, as when he attacked Piso and Gabinius and Antony. But that was the fault of the plain-speaking time in which he lived, rather than of the man; just as the occasional coarseness of Shakspeare must be attributed to the age in which he was born, and not to his own gentle nature.

How pleasant it is to hear him giving his friend Atticus a message from the little Tullia, or Tulliola as he often calls her, — making use of the endearing diminutive so significant in the ancient Latin and modern Italian, — to remind him of his promise to make her a present, and afterwards telling him that

Tullia had brought an action against him for breach of contract; or to find him speaking of his only son "the honey-sweet Cicero," that "most aristocratic child," as he playfully styles him, who was with his sister in his youthful days the pride and delight of his life. We see him lounging on the shore at his villa near Antium, and there penning a letter to confess that he is in no humor to work, and amuses himself with counting the waves as they roll upon the beach. We would not willingly exchange that letter to Atticus, in which he says of himself that he knows he has acted like a "genuine donkey" (*me asinum germanum fuisse*), for the stiffest and most elaborate of his political epistles.

From his villa at Formiæ he writes to complain of the visits of troublesome country neighbors, and says he is so bored by them that he is tempted to sell the place; and, therefore, while they annoy him there is a capital opportunity for a purchaser.

His fondness for books amounted to a passion. He tells Atticus, that when his librarian Tyrannio had arranged his books it seemed as if his house had got a soul; and he is in raptures with a book-case when ornamented with the gay colors of the parchment-covers (*sittybæ*) in which the precious rolls were kept. We find him at one time begging his friend to send him two of his assistant librarians to help Tyrannio to glue the parchments, and to bring with them a thin skin of parchment to make indexes. He tells Atticus on no account to part with his library, as he is putting by his savings (*vindemiolas*) to be able to purchase it as a resource in his old age. By "library" Cicero means the copies of manu-

scripts which Atticus was having made at Athens by some of his clever slaves; and what would we not now give to possess one such set of manuscripts as were put on board a trireme at the Piræus and consigned to Cicero in his Tusculan villa? In the midst of all his anxiety and disgust at the state of public affairs, when it was evident that the old Republic was tottering to ruin, he says that he supports and refreshes himself with literature, and would rather sit in a well-known seat at his friend's country-house, with the bust of Aristotle over his head, than in a curule chair. At another time he says, that he does not envy Crassus his wealth, and can despise the broad acres (*vicos et prata*) of others, if he has it only in his power to purchase books.

In one of his letters he playfully finds fault with his freedman Tiro for an inaccurate use of a Latin adverb, *fideliter*. In another he defends himself against a criticism of Atticus, and maintains that he was right in putting the preposition *in* before *Pirœa*, but admits that *Pirœum*, as the accusative case, would have been more correct. Now and then he indulges in a pun, as when he tells Atticus, who thought some of the windows of his house on the Palatine Hill, which had been made by his architect Cyrus, too narrow, that he was perhaps not aware that he had been finding fault with the *Cyro*pædia. How true is the picture he draws of the contrast between the hollow friendship of the world and the calm and sober happiness of domestic life. Amidst the crowd that thronged his hall, and attended him, as was the custom, to the courts, begirt as he was with "troops of friends," he complains that there is not one with

whom he can joke freely, or to whom he can unburden his soul in sorrow. In other words he expresses the same sentiment as Bacon, that "a crowd is not company, and faces are but a gallery of pictures, and talk is but a tinkling cymbal, where there is no love."

How were these letters sent?[1] There was no post-office in ancient Rome; and the only mode of conveying them was either by couriers called *tabellarii*, who were despatched express for the purpose; or by friends who happened to be going to or near the residence of the person to whom they were addressed. We find Cicero frequently complaining that he had no trustworthy person at hand to whom he could confide an important letter without danger of its being opened and its contents read; and he mentions one instance where he lost a letter from Atticus owing to the friend who had charge of it being attacked and robbed near the burial-ground (*bustum*) of Basilius.

I propose to notice a few of these early letters to Atticus somewhat in detail, for they will give us a good idea of Cicero's style and habits of thought, and also show the cordial friendship that existed between these two eminent men, — a friendship as frank as it was sincere, which never varied during all the vicissitudes of their lives, and was terminated only by death.

[1] Before a letter was despatched five things were requisite, four of which are enumerated in a line of Plautus (*Bacch.* IV. 4, 64), "Stilum, ceram, et tabellas et linum." To these must be added the seal. The *tabellæ* were thin tablets of wood smeared with wax, and with an elevated rim or border. These, when written upon, *i. e.* scratched with the *stylus*, were bound together by a packthread, and the knot of the string was sealed with wax and stamped with the signet-ring.

In the first letter written in the latter part of the year to Atticus in Epirus on the western coast of the Adriatic, where, in the neighborhood of Buthrotus, he had recently purchased an estate, Cicero begins by alluding in feeling language of affectionate sorrow to the death of his cousin, or, as he calls him, *brother* Lucius — the only son of his uncle Lucius — who had, as we have seen, been associated with him in the prosecution of Verres. Cicero greatly deplored his loss, and speaks of him as a man endowed with every excellence, and distinguished by great sweetness of disposition. He next refers to a subject which was a fertile source of domestic annoyance for many years, — the unhappy disagreement between Quintus and his wife Pomponia, who was a sister of Atticus. Quintus was a man of hasty temper, easily vexed, but soon appeased, and Pomponia seems to have been a lady rather apt to take offence, and jealous of her imagined rights, — what we may call *touchy*, and inclined to stand on her dignity. A little anecdote which Cicero relates of her in one of his letters, and which will be afterwards mentioned, exhibits her in a sulky and unamiable mood. Terentia also and Pomponia did not get on very well together. The frequent quarrels of the ill-matched pair Quintus and Pomponia caused great distress both to Cicero and Atticus; Atticus naturally took his sister's part, and his displeasure at his brother-in-law's conduct was most probably the reason why, at a later period he abandoned the idea he once entertained of accompanying Quintus, in the capacity of quæstor, to his prætorian government in Asia Minor. Cicero was not at all blind to his brother's faults, but he also

knew the many good points of his character; and it is pleasant to read the kind and affectionate terms in which he always speaks of him, until unhappily they quarrelled many years after, as I shall have occasion to relate in a subsequent part of this work. In the letter to which I am now alluding, he tells Atticus that he might appeal to Pomponia herself to say how earnestly he had endeavored to induce her husband to treat her with proper affection. Quintus was displeased at this interference, and Cicero says that he had written to him to appease him as a brother, to admonish him as a junior, and to reprove him as an offender.

Other topics in the same letter are two matters of business in which Atticus was interested, but about which nothing certain is now known. Cicero takes occasion also to correct his friend in a point of law, and tells him that the doctrine of adverse possession has no application in a case of trust or question of guardianship; which is very much what an English lawyer would say at the present day. Atticus had asked him to employ his good offices in reconciling Lucceius to him, for they had had a quarrel; and Cicero assures him that he had done so, but to little purpose. He next congratulates Atticus on his recent purchase in Epirus, and begs him to remember to get anything which may be suitable for his own Tusculan villa; "for there," he says, "in that place alone do I find rest and repose from all my troubles and toil." This is the first mention that occurs in Cicero's writings of his favorite villa at Tusculum, which he seems to have bought only a short time before. He concludes the letter by telling Atticus

that Terentia is suffering a good deal from rheumatism in the limbs; and that she and his darling Tulliola send their best compliments to him, and his sister and mother. The last words are, "Be assured that I love you like a brother."

In the next letter, which is short, Cicero promises that Atticus shall not again have to complain of him as a negligent correspondent, and begs his friend who has plenty of leisure to copy a good example. He mentions that Fonteius has purchased the house of Rabirius at Naples, which Atticus had had some thoughts of buying; and says that his brother Quintus now seemed to be on good terms with Pomponia, and that they were both staying at their country residence near Arpinum.

The manner in which he communicates the next piece of intelligence is disappointing, if we accept the usual reading. It is the death of his own father, and all he says on the subject is this: "My father died on the 25th of November."[1] He then turns off to ask Atticus to look out for appropriate ornaments for his Tusculan villa. This looks, to say the least, cold and unfeeling; and yet Cicero was the very reverse of being either cold or unfeeling. We have seen that he deplored in the language of genuine sorrow the loss of his cousin Lucius, and we learn that his grief for the death of his daughter Tullia was so excessive that he was derided for it by his enemies. We are therefore surprised to find him noticing so shortly and dismissing so summarily the death of his excellent father.[2] But the truth is that

[1] *Pater nobis decessit a. d. VIII. Cal. Decembris.* — Ad. Att. I. 6.

[2] I strongly suspect that the true reading of the sentence is *Pater nobis*

what we call *sentiment* was almost wholly unknown to the ancient Romans, in whose writings it would be as vain to look for it as to look for traces of Gothic architecture amongst Classic ruins. And this is something more than a mere illustration. It suggests a reason for the absence. Romance and sentiment came from the dark forests of the North, when Scandinavia and Germany poured forth their hordes to subdue and people the Roman Empire. The life of a citizen of the Republic of Rome was essentially a public life. The love of country was there carried to an extravagant length, and was paramount to and almost swallowed up the private and social affections. The state was everything; the individual comparatively nothing. In one of the letters of the Emperor Marcus Aurelius to Fronto, there is a passage in which he says that the Roman language had no word corresponding with the Greek φιλοστοργία, the affectionate love for parents and children. Upon this Niebuhr remarks that the feeling was "not a Roman one; but Cicero possessed it in a degree which few Romans could comprehend, and hence he was laughed at for the grief which he felt at the death of his daughter Tullia." [1] His divorce from Terentia appears to be a violent exception to the general rule of his character; and we shall have to consider hereafter whether he can or cannot be justified for his conduct on that occasion.

discessit, not *decessit*, that is, "My father left me," probably to return to Arpinum. This is the conjecture of Madvig, *de Ascon.* Comm. p. 71, quoted by Drumann, *Gesch. Roms*, V. 213, who approves of it

[1] Hist. of Rome, III. 30. Niebuhr translates φιλοστοργία, "the tender love for one's *friends* and parents." But I doubt whether στοργή is ever applied to any other than family affection. It is especially used to denote the love of one's offspring.

In these first letters we get a few glimpses of his domestic life. He tells Atticus that his daughter Tulliola, his darling (*deliciæ nostræ*), is betrothed to Calpurnius Piso Frugi. This event, which we should have thought full of interest to him, he mentions in the most laconic manner, — *Tulliolam C. Pisoni L. F. Frugi despondimus.*[1] The young lady was then only nine, or at the most eleven, years old. Atticus had promised her a present, and Cicero tells him that she looked upon her father as bail for the performance, but he intended rather to forswear the obligation than make it good. In another letter he says that Tulliola has brought her action (*diem dat*), and summoned bail.

I have noticed the first mention in Cicero's letters of his Tusculan villa, in the furnishing and adorning of which he was at this time so much engrossed, and it may be interesting to describe it so far as we are able after the lapse of twenty centuries.

About twelve miles across the Campagna to the east of Rome, on the slope of the Latin hills which form as it were the framework of the landscape, and which now sparkle with the villas of the Roman nobility who resort there during the heats of the summer and autumn months, stands the modern town of Frascati. The terminus of the railway which connects it with Rome is in the plain a mile

[1] *Frugi* means "abstinent" (frugal), and Cicero, in *Verr. de Signis*, puns upon the name and that of Verres (brush or besom), contrasting the conduct of *Verres*, who had *swept* Sicily clean of its works of art, with the *abstinence* of *Frugi*, who, when prætorian governor of Spain, having broken one of his gold rings, ordered a goldsmith of Corduba (Cordova) to attend him in the market-place, where he publicly weighed out gold and had a new ring made in the presence of by-standers, to prevent the possibility of its being said that he had plundered it. This certainly looks like a caricature of caution.

below the town. About two miles beyond Frascati, and almost at the summit of the hill that rises above it, is the site of the ancient city of Tusculum, the *arx* or fortress of which crowned the top. A lovelier walk than that which leads to this spot can hardly be imagined. The path winds with a continuous ascent through woods, and past villas and convents, "bosomed high in tufted trees," until it strikes into a narrow road or rather lane, paved with ancient polygonal blocks of flat stone. This is the identical road which led up in ancient times to Tusculum from the plain below, and along which Cicero must often have walked or been carried in his *lectica* on his way from Rome to his country-seat. Following this lane the traveller reaches a romantic spot, where are the remains of a small amphitheatre; and a little further on to the right, on a grassy platform jutting out on the southwest side of the hill and commanding a glorious view, is the site of Cicero's villa. In the distance across the Campagna and right opposite glittered the walls and roofs and towers of Rome; beyond were the blue waters of the Mediterranean; on the right lay Tivoli; and on the left the Alban lake, embosomed, however, and hidden from sight by its surrounding hills. Antiquaries who throw doubt upon everything tell us that there is no certainty that this *is* the real site of Cicero's villa, and some call it the villa of Tiberius. But very possibly the Emperor may have become the owner of the villa, just as Sylla was before Cicero bought it.[1]

1 When I visited the spot in the autumn of 1859, a solitary workman was employed by the Aldobrandini family, to whom it belongs, in excavating chambers and pavements, which I saw just as they were disinterred from their sleep of ages.

Some writers place the villa in quite a different locality. After describing the walks round the Alban lake, Eustace mentions a shady alley in the woods which led to the town of Marino; and says:[1] "The same alley continues to Grotta Ferrata, once the favorite villa of Cicero, and now an abbey of Greek monks. It stands on one of the Tumuli or beautiful hills grouped together on the Alban mount. It is bounded on the south by a deep dell, with a streamlet that falls from the rock, and having turned a mill meanders through the recess and disappears in its windings. This stream, now the Marana, was anciently called Aqua Crabra, and is alluded to by Cicero. Eastward rises a lofty eminence once crowned with Tusculum; westward the view descends, and passing over the Campagna fixes on Rome and the distant mountains beyond it; on the south a gentle swell presents a succession of vineyards and orchards, and behind it towers the summit of the Alban mount, once crowned with the temple of Jupiter Latiaris. Thus Cicero from his portico enjoyed the noblest and most interesting view that could be imagined to a Roman and a Consul; the temple of the tutelary divinity of the empire; the seat of victory and of triumph; and the theatre of his glorious labors — the capital of the world

'Rerum pulcherrima Roma!'"

But it is surely an insuperable objection to this theory that Grotta Ferrata is fully three miles from the ancient Tusculum; and if Cicero's villa really occupied the site where it is supposed by Middleton,

[1] Classical Tour through Italy, II. 253.

Melmoth, Eustace, and other writers to have been, it never would have borne the name of Tusculanum.[1]

The villa itself was arranged as closely as possible on the model of the Academy at Athens, so as to resemble it in miniature. In fact, Cicero used playfully to call it his academy, and he added to it a *palæstra* or exercise ground, a *gymnasium* (which perhaps was the same as the *academia*), and a *xystus*, a colonnade or corridor with open pillars like that which may still be seen on the south side of the Capitol at Rome, by the side of the modern road which leads up from the Campo Vaccino (the Forum) to the Campidoglio. It was here that Cicero and Atticus passed many delightful hours together away from the noise and bustle of Rome, communing together on lofty themes, and enjoyed those conversations in retrospect of which each might say to the other —

> "I 've spent them not on toys, or lusts, or wine,
> But search of deep Philosophy,
> Wit, Eloquence, and Poetry —
> Arts which I loved, for they, my Friend, were thine!"

The neighborhood of Tusculum was a favorite resort of the old Roman nobility.[2] On the declivity of the hill were scattered the villas of Balbus, Brutus, Catulus, Metellus, Crassus, Pompey, Cæsar, Gabinius, Lucullus, Lentulus, and Varro, so that Cicero was in the midst of his acquaintances and friends;

[1] After all we must be content to guess in such matters where certainty is impossible, and say with Livy, "Famâ rerum standum est, ubi certam rebus derogat antiquitas fidem."

[2] "Hic Brutus sociique aderant; hic Attice, Tullî
Gaudebas sermone tui; ingentesque procellæ
Conticuere fori, et raucæ fragor abfuit urbis."
Cicero cum Familiaribus — *Oxford Prize Poem*, 1829, by Sir Eardley Wilmot

but he thought his own villa lay a little out of the road, as it certainly did.[1]

Above all things Cicero's passion was a library. To add this to a house was, as he expressively termed it, to give the house a soul; and in nothing was he more urgent with Atticus than in entreating him to send him books, which of course in those days meant manuscripts. He begged him never to lose an opportunity of picking up for him works of art to ornament his villa and grounds; and great is the joy he expresses at the arrival of a Hermathena, — a double-headed bust of Mercury and Minerva, on a square pedestal, — and he mentions statues or pictures from Megara, and figures of Mercury in Pentelic marble with bronze heads, some of which may perhaps yet be discovered and add to the treasures that are contained in the Museum of the Vatican. He tells Atticus not to be afraid of the expense, — it was his hobby (*genus hoc est voluptatis meæ*), — and he would take care and repay him.

Besides his house at Rome and residence at Tusculum, Cicero had many other villas, of which the principal were situated on the west coast of Italy. Following the direction from north to south, they lay respectively near the following towns: — Tusculum, Antium, Asturia, Sinuessa, Arpinum, Formiæ, Cumæ, Puteoli, and Pompeii. Besides his villa near Antium, he had a house in the town, which he purchased in the year 45 B. C., from M. Lepidus, only a short time before his death. Antium (now Porto d'Anzo) was situated on a headland looking down upon the blue waters of the Mediterranean, and

[1] Devium *ἀπαντῶσι* et habet alia *δύσχρηστα*. — *Ad Att.* VII. 5.

CICERO'S VILLA, FORMIÆ.

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Cicero enjoyed the cool breezes and quiet retirement of the spot. He had here a good library, and many of the manuscripts which were saved when his villas at Tusculum and Formiæ were plundered by the satellites of Clodius at the time of his exile, were brought to his country-seat at Antium. His Asturian villa lay in an island which was formed by a river that here emptied itself into the sea. It was surrounded by a thick wood of shady trees, in the solitude of which he used to pass whole days alone while mourning for the death of his daughter. Formiæ was not far from Cajeta (*Gaeta*) and the modern town or village of Castiglione. His villa there was laid in ruins by Clodius, but afterwards restored by Cicero, and it was in the adjacent park that he was murdered by the emissaries of Antony. He purchased his country residence near Cumæ on the hill above the town after his return from banishment. It was not far from Baiæ, the favorite watering-place of the fashionable world of Rome, and amongst his neighbors he mentions the names of Pompey, Varro, and Marcus Brutus. At no great distance from this was Puteoli (*Puzzuolo*) on the sea-side, where he had a villa of considerable size. Annexed to it was a building to which, as at his Tusculanum, he gave the name of Academy, and here he once entertained Julius Cæsar on his way to Rome after his return from the east. He was much attached to this residence, but it had one drawback. The neighborhood was populous, and he complained that he had too many visitors. After his death the villa became the property of C. Antistius Vetus, and it was here that the Emperor Hadrian was buried.

His Pompeian villa lay a few miles from Naples, close to Pompeii, and was so called of course from the city which has been disinterred after the lapse of twenty centuries.

The question naturally occurs, from what sources did Cicero derive the wealth which the possession of so many residences implies, and how was he able to bear the cost of keeping up so many establishments? He inherited the Arpinum villa, but all the rest were purchased by him. We know from Plutarch that all the fortune he got by his wife Terentia was a myriad of *denarii*, equal to about 3500*l.*, which was by no means sufficient to support such an expense. And he made it his boast that he took nothing for his services as an advocate. How then did he become so rich as to be the proprietor of fourteen or fifteen different villas, all furnished with exquisite taste and adorned in many instances with masterpieces of Grecian sculpture and Roman art?

There were no cotton lords at Rome, and commerce flourished to only a limited extent. But Cicero could have derived no benefit from either commerce or manufactures. His career was that of an advocate and statesman, and in neither capacity was he directly paid. The most certain mode of acquiring wealth to a public man at Rome was a provincial government.[1] This followed, as a matter of course,

[1] De Quincey says: "Almost the only open channels through which a Roman nobleman could create a fortune (always allowing for a large means of marrying to advantage — since a man might shoot a whole series of divorces, still refunding the last dowry, but still replacing it by a better) were these two: lending money on sea risks, or to embarrassed municipal corporations on good landed or personal security with the gain of twenty, thirty, or even forty per cent.; and secondly, the grand resource of a provincial government." — *Collected Works, Cicero.*

the possession of the office of Prætor or Consul; and the frequent instances of accusation of ex-governors charged with oppression and extortion show with what unscrupulous avarice the proprætorian and proconsular powers were too often exercised. Cicero, however, declined a proprætorian government, and he declined also to take either of the provinces allotted to him and his colleague Antonius when he laid down the office of Consul. He did not assume a proconsular government until after his return from exile, some years after his consulship. It could not therefore have been from this source that he derived that wealth which enabled him to be the possessor of so many estates, and to live in such affluence and luxury at a much earlier period. But there were two other modes of becoming rich, and Cicero participated largely in both. Rome was rapidly advancing to the position of mistress of the world, and her leading men were the masters of Rome. It therefore was the policy of distant kings and commonwealths to conciliate their favor and support, and for this purpose presents of enormous value were transmitted to them. We can hardly call them bribes, for in many cases the relation of patron and client was avowedly established between a foreign state and some influential Roman; and it became his duty, as of course it was his interest, to defend it in the senate and before the people. For instance, Cicero mentions Dyrrachium as a place of which he was patron, and whose interests he had always defended. Such a custom opened no doubt the door to corruption, for money was lavished to buy the votes of the senators, and agents were employed at Rome to dis-

tribute it. The purity and disinterestedness of Cicero's character makes me believe that he never accepted such presents as a bribe, nor allowed his public conduct to be influenced by any regard for money; but he undoubtedly did receive presents from foreign suitors, and we can easily imagine that they were large in amount, for they must have been most anxious to secure the good-will and propitiate the favor of the matchless orator and foremost man of Rome. The other and unobjectionable mode of acquiring wealth was by legacies, which in ancient as in modern times has always been deemed an honorable source of riches, provided no unworthy acts are resorted to for the purpose of influencing the testator. In the second Philippic he makes it a matter of boast that he had received upwards of twenty million sesterces (about 178,000*l.*) from legacies left him by his friends.[1]

But he also borrowed without scruple, and after his return from exile was almost constantly in debt. Before he went to Cilicia as proconsul, Cæsar had lent him a sum of 800,000 sesterces, equal to about 7000*l.* The purse of Atticus seems to have been generally open to him, and he freely availed himself of it. The money, however, was supplied not as a gift, but a loan, and in some cases his friend became security for him when his credit was low and he wished to borrow from others. But on the other hand he lent money largely to his friends, the repayment of which was often in arrear, and his embarrassments were thereby increased. Drumann says

[1] Ego enim amplius sestertium ducenties acceptum hæreditatibus retuli — *Philipp.* II. 40.

that he did this for the sake of the interest, and to lay men whose services might be useful under obligations to him. But this writer throughout his elaborate work does all he can to produce an unfavorable impression of the character of Cicero. He never gives him credit for a single disinterested action, and attributes the most selfish and unworthy motives to his conduct. He is as much prejudiced against him as Middleton was in his favor, and neither of them can be trusted as a biographer when the subject in question is not a matter of fact but of opinion affecting Cicero's character. It is not clear that he lent money at interest at all, and at all events we may well believe that his object was to do a kind action, and not to put money in his pocket, or make use of the services of his debtors. Political motives may have perhaps had weight with him in inducing him to advance a very large sum to Pompey at the outbreak of the Civil War; but he was probably quite as much influenced by the exaggerated feeling of gratitude which, as we shall see, he entertained towards him for conduct which little deserved it.

CHAPTER VI.

THE PRÆTORSHIP.

ÆT. 40–41. B. C. 67–66.

CICERO became Prætor elect at the age of forty — B. C. 67 — and under circumstances which prove that his popularity at that time was very great. The times were stormy, and the assembly of the people in their centuries for the election of prætors was twice interrupted by tumults before the legal formalities were completed, so that it became necessary to hold a third meeting to choose those officers. The occasion of these tumults was the attempt to pass several obnoxious laws. The first was a bill brought forward by the tribune Aulus Gabinius, and known as the Gabinia Lex, to invest Pompey with an extraordinary commission and supreme command in the Mediterranean to extirpate the pirates whose vessels swarmed in that sea, and ravaged the coasts almost with impunity. Their audacity struck terror into the heart of Rome. They had captured ambassadors on the high seas, and actually seized and destroyed a Roman fleet in the port of Ostia. The bill, however, was strongly opposed by Hortensius, Catulus, and other leading senators, on the ground that it conferred unconstitutional powers on Pompey, and they pointed to the example of Marius and Sylla,

as showing the danger of bestowing such extraordinary commands on the generals of Rome. The friends of Lucullus, who had the conduct of the war against Mithridates, took an active part in the opposition to the bill, which they alleged was an encroachment on his authority, because the chief haunts of the pirates were in the Levant, which might be considered as part of his province. To counteract this, and render him popular with the mob, Gabinius had a picture made of the magnificent palace which Lucullus was then building, and displayed it in the Forum, while he addressed the people to make them believe that Lucullus was enriching himself at their expense.

The second bill was proposed by Lucius Otho, and though of much less importance, excited still more clamor and violence. Its object was to assign separate rows of seats in the theatres to the equestrian order next to the senators, for the knights had hitherto sat indiscriminately with the rest of the spectators. This was, as might be expected, a most unpopular measure in a republic like that of Rome, and gave rise to tumults which may be compared to the O. P. riots at Covent Garden in the early part of the present century. It was, however, with some difficulty carried, and Otho became, as we shall see, extremely unpopular in consequence.

Caius Cornelius, another of the tribunes, was the author of the third bill, and the opposition to it reveals the extent and depth of political corruption in high places at Rome. It was a bill for punishing with the severest penalties bribery at elections, and enacted, that those who were guilty of the offence

should be incapable of public office or a seat in the senate. It was strongly opposed by the senators, but was extremely popular with the masses. The excitement was so great that the consuls were obliged to protect themselves by a military guard; business was suspended, and the election of magistrates was put off. The result was that the bill was withdrawn and another, less stringent in its nature, was brought forward by the Consul C. Calpurnius Piso, and, ultimately, became law.

In one of the earliest of his extant letters to Atticus, written about this time, Cicero gives a lively idea of what a candidate for public office had to go through at Rome, telling him that there was nothing like a canvass to bring a man into contact with every kind of rascality.[1] In the same letter he expresses his disgust at the state of affairs in the city, which, he says, were growing worse with incredible rapidity; and he turns with delight to the thought of his Tusculan villa, and the library he had formed there, begging his friend to keep carefully for him some books which Atticus had purchased for him at Athens.

Although, owing to the confusion that prevailed, the comitia for the election of prætors was twice adjourned without any definite result, Cicero, who had seven competitors against him, was on both occasions chosen Prætor Urbanus by the unanimous votes of all the centuries. And when at last, on the third attempt, a valid election did take place, the same result followed, and he was still at the head of he poll.

[1] Scito nihil tam exercitatum esse nunc Romæ quam candidatos omnibus iniquitatibus. — *Ad Att.* I. 11.

Next year, B. C. 66, at the age of forty-one, Cicero assumed the office of Prætor Urbanus, or City Prætor The most important part of his duties was of a judicial nature; and it was usual to determine by lot what particular jurisdiction, civil or criminal, each prætor should exercise during his year of office. Cicero happened to get as his division of labor the criminal courts; or, at all events, had to preside at trials of magistrates accused of extortion, embezzlement, and other offences in their provincial governments.[1] This formed no inconsiderable part of the criminal business at Rome, and required in the judge both firmness and honesty, for the culprits were generally men of powerful influence and great wealth. He had soon an opportunity of displaying both these qualities in an important case. Caius Licinius Macer had, while holding the prætorian government of Asia Minor, been guilty of great oppression and extortion, and, being accused by the provinces which had suffered under his misrule, he was put upon his trial before a body of *judices*, over whom Cicero presided. Macer was a relation of Crassus, and, relying upon his support, he so confidently expected an acquittal that he did not even assume the mourning-dress (*toga sordida*) which it was usual for persons under prosecution to wear in order to excite sympathy and compassion. He was, however, convicted, and was so overwhelmed with shame at the result that he either destroyed himself or died of grief.[2] Writing to Atticus, Cicero tells him that his

[1] Postulatur apud me, prætorem primum, de pecuniis repetundis. — *Pro Cornelio Fragm.*

[2] Plutarch says that he took to his bed and died; but according to

own conduct on the occasion had won him golden opinions from the people; and he adds — what would startle us to hear said of an English judge — that the credit he gained by Macer's conviction was of more value to him with the populace than any benefit that could have flowed from the offender's gratitude if he had been acquitted. This shows how much the result of the trial was thought to be in the power of the presiding prætor, although the judices, or jurymen, alone had the right to pronounce the verdict.

It is never right, nor in good taste, to make a jest on a personal infirmity, but Plutarch mentions a sarcasm which fell from Cicero on the bench on an occasion that almost justified an exception to the rule. To understand the point we must remember that a short thick neck, like that of a bull, was thought by the Romans the sign of an impudent unscrupulous character. Vatinius, a rude and insolent man, whose neck was swollen with tumors, came before him, when sitting as prætor, with some petition or request which Cicero said he would take time to consider. Vatinius replied that if *he* were prætor he would make no question about it. Upon which Cicero retorted, "Yes; but you see I have not got so much neck," we should say *cheek*, "as you have."

Valerius Maximus, he watched the close of the trial from a balcony, and when he knew that he was convicted, and saw Cicero, the presiding judge, take off his robe (*prætexta*), or as we should say, put on the black cap, he sent a messenger to tell him that he died accused but not condemned, and therefore his property would not be confiscated. He then instantly suffocated himself by forcing a napkin into his mouth. This reminds us of the *peine forte et dure*, the punishment formerly in this country for standing mute, which was sometimes endured by prisoners when they dreaded a conviction to be followed by forfeiture of lands and goods, if they pleaded to the indictment and were found guilty.

Although filling the office of a criminal judge, Cicero was not debarred from the exercise of his profession as an advocate. He defended M. Fundanius in a speech now lost; and also Aulus Cluentius Habitus, who was accused of murder and tried before Q. Naso, Cicero's own colleague in the prætorship. The indictment seems also to have comprised the charge of conspiracy to procure the condemnation of a man named Oppianicus.

The case discloses a melancholy tale of wickedness; and Sassia, the mother of Cluentius, might almost contest the palm of preëminence in guilt with Lucrece di Borgia. Not long after her husband's death her daughter married her first cousin, Aurius Melinus, for whom the mother soon conceived an adulterous passion. She employed all her arts to alienate his affections from his wife, and at last succeeded in inducing him to divorce her. She then flew to the arms of her son-in-law and openly married him. By and by, however, Melinus, having incurred the enmity of Oppianicus, — against whom there was the strongest suspicion that he had poisoned his own wife and brother, and procured the murder of a near relative of Melinus, — was, through the interest of Oppianicus with the tyrant Sylla, included in one of his lists of proscription, and put to death. This murder of her husband attracted the love of Sassia; and Oppianicus, being equally smitten, paid his addresses to her and offered her marriage. She at first refused, on the ground that he had three sons alive, and she did not wish to be encumbered with such a family. Oppianicus understood the hint, and in the course of a few days caused two of them to be mur-

dered. The scruples of Sassia were now removed, and she married Oppianicus — wooed and won, as Cicero says, not by nuptial presents, but the deaths of murdered children.

The career of Oppianicus was one of the most abandoned villany; and, having unsuccessfully attempted to take off Cluentius by poison, he was put upon his trial for this crime, and, being convicted, was sentenced to banishment. He had endeavored to bribe his judges, and for that purpose had distributed amongst some of them a large sum of money, which they took, but, notwithstanding, pronounced a verdict of guilty. For this offence they were afterwards put upon their trial and convicted. Oppianicus died in exile five years after his condemnation; and three years after his death, Sassia bestowed her daughter in marriage upon his son by a former wife, and urged him to accuse her own son, Cluentius, of having caused her deceased husband, Oppianicus, to be poisoned. It was on this occasion that Cicero defended Cluentius, and delivered one of the longest of all his speeches, but it is also one which least admits of abridgment. It revealed a shocking history of crime, murder, incest, and subornation of perjury. But as it consisted chiefly in an elaborate examination of the facts, it would, after the narrative already given, be merely repetition to attempt to condense the argument. With respect to part of the accusation, which charged Cluentius with having entered into a conspiracy to get Oppianicus convicted, it seems, strange to say, that the law made this a criminal offence only in the case of a senator, which Cluentius was not. When, therefore, he ap-

plied to Cicero to defend him, he told him he was safe, as the law did not touch him, and he would at once take the objection which would secure his acquittal on that charge. But Cluentius entreated him, with tears, not to do so, declaring that he was more anxious about his character than his safety; and Cicero says that he complied with his wishes and abandoned the point of law in his favor, but for this reason, — he saw that on the merits the case admitted of a complete defence.

The advocate on the other side was Attius, and he had quoted a passage from one of Cicero's speeches in a case where he was prosecuting counsel, and in which he had urged the jury to give an honest verdict, and had cited instances of perverse acquittals which had brought justice into contempt. But Cicero refused to be bound by the opinions which he merely expressed as an advocate. It was, he said, a great mistake to look for his real sentiments in his forensic speeches. They were adapted to the exigency of the occasion; and he mentioned — apparently with approval, certainly without censure — the startling saying of Antonius, that he never liked to have any of his speeches written down in order that he might, when an inconvenient passage from them was quoted against him, be able to deny that he had uttered the words. Clearly he would have been no friend to Hansard! Cicero seems to have been more struck with the folly than the immorality of the remark, for he adds, "just as if men did not remember what we have said or done unless we have committed it to writing."

The language in which the orator described the

incestuous marriage of Sassia with her son-in-law is worth quoting. "That nuptial couch which two years before she had spread for her daughter on her marriage she bids them adorn and prepare in the same house for herself, while her daughter is turned away an outcast. The mother-in-law weds her son-in-law with no religious ceremonies, with no one to give the bride away, amidst the dark and gloomy forebodings of all." [1]

Cicero this year delivered one of his finest speeches in support of a bill brought in by the tribune Manilius for superseding Lucullus in the conduct of the war against Mithridates and conferring the supreme command upon Pompey, then in the zenith of his fame. The campaigns of Lucullus in the east had at first been brilliantly successful, but of late the tide of fortune had turned, and his soldiers had mutinied in the field. It appears, at first sight, strange to find Julius Cæsar also giving his support to this measure, the obvious effect of which would be to increase the power and exalt the reputation of the only man at Rome who was likely to stand in the way of his ambition. Various reasons may be assigned for this. Pompey was a favorite with the people, and the proposal was so popular that Cæsar may not have liked to oppose it. Some writers think that his object was to see a precedent set for the grant of such ample powers as he hoped one day to have conferred upon himself. But this, perhaps, is too refined a view, and gives Cæsar credit for too long-sighted a policy. A

[1] The result seems to have been that Cluentius was acquitted, as Cicero afterwards boasted that he had "thrown dust" in the eyes of the jury (*tenebras offudisse judicibus*) at the trial. — Fragmm. See Onom. Tull. II. 165.

more Macchiavellian theory, but not the less probable, is, that he may have wished Pompey to be exposed to the chances of failure, or the obloquy and envy which follow the possession of power. The measure was at first strongly opposed by Catulus and Hortensius. Catulus asked the people, in a speech he addressed to them from the Rostra, upon whom they could rest their hopes if they persisted in trusting everything to Pompey, and he was carried off by a mischance? The people, with a loud shout, exclaimed, "Upon you!" and this so pleased him that he ceased to struggle against the bill.

The speech is interesting, independently of its merits, as the first *concio*, or political harangue, which Cicero delivered from the Rostra. He says in it, that hitherto his modesty had deterred him, and his incessant occupations as an advocate had prevented him, from addressing the people there, but he was now emboldened by the unmistakable evidence of their favor, as shown by their unanimous election of him, three times repeated, as prætor. He showed how necessary it was that Rome should put forth all her strength to protect her possessions in Asia against the attacks of two such powerful kings as Mithridates and Tigranes; for not only did their allies implore their help, but their own revenues were in the utmost danger. Their arms had suffered a reverse, on which, he said, he would not dwell, but rather pass on to the question, who was the commander most fit to carry on the campaign? There ought to be four qualifications to make up the character of a distinguished general, — military genius, virtue, authority, success. He showed that all these qualities

were united in Pompey. He drew a splendid portrait of him as a warrior, and praised to the skies his disinterested self-denial.

"No feeling of avarice ever turned him aside from his destined course to think of booty; no licentiousness attracted him to pleasure; no delights to self-indulgence; curiosity never tempted him to explore cities, however famous; and in the midst of toil he shunned repose. The works of Grecian art in the Asiatic towns, which other generals thought they might carry off, he did not even allow himself to look at!"

His nature was gentle; he was affable and accessible to all. His exploits in war had been so remarkable that no one even ventured to ask of Heaven in his prayers such success as had been bestowed on Pompey. They must not be misled by the authority of Hortensius, who opposed the bill, but remember that he had also opposed the bill of Gabinius for appointing Pompey to the supreme command in the Mediterranean against the pirates; and what would have become of the Roman empire if his authority had then prevailed? As to the bugbear with which Catulus tried to frighten them, of the danger of concentrating so much power in the hands of one man, his answer was, that this had been often done before — in the case of Scipio Africanus, of Marius, nay, of Pompey — with the full approbation of Catulus himself. The honor of Rome required that the commander in Asia should be not merely a good soldier but a good man. "For," said Cicero, "it is difficult to express the odium in which we are held by foreign nations on account of the oppression and rapacity of the governors who have gone out from us of late years." He declared that they respected nothing,

either sacred or profane, not even the sanctity of a private dwelling. They should choose, therefore, a general who would not plunder their allies, nor attack the virtue of wives and daughters, nor pillage the towns of their works of art and the treasuries of their gold. Such was the picture which a Roman orator drew of the conduct of those who were invested with command in the distant provinces of the empire, and he appealed to the opponents of the present measure whether he did not speak the truth. He concluded by calling Heaven to witness that he supported the bill, not to curry favor with Pompey, or obtain any advantage for himself, — on the contrary, he knew well that he exposed himself to enmity, alike open and concealed, — but because, out of gratitude for all the honors the people had conferred upon him, he was determined to prefer their wishes, the honor of the commonwealth, and the safety of the provinces and their allies, to any private interests of his own.

Even now, amidst all the bustle of active life, and distinguished as the leading orator of Rome, he found time for, and did not disdain to profit by, if we may believe Suetonius,[1] the lessons of a rhetorician named Gnipho. At the mature age of forty-one he was still content to be a learner in the art of which he was considered by all other men to be the greatest living master.

During this year his brother Quintus became a candidate for the ædileship of the ensuing year, and was successful.

Two or three days before the expiration of Cicero's office, Manilius, whose measure in the senate he had

[1] De Illustr. Gramm. 7.

so vigorously supported, was brought before him and charged with peculation. It was the usual custom to allow ten days, at least, before the trial took place, in order to give the accused time to prepare his defence, but Cicero appointed the following day. This was considered harsh, and incensed the people, with whom Manilius was a favorite, and who thought that he was prosecuted because he was the friend of Pompey. The tribunes summoned Cicero to give an account of his conduct before the people, when he explained that he had always shown humanity towards the accused, so far as the law allowed, and as he did not wish to act otherwise towards Manilius he had purposely appointed the only day on which he would sit as prætor to try him; adding significantly, that those who wished to help Manilius were not likely to do so by getting him tried before another judge. The people loudly applauded him, and called on him to undertake himself the defence of Manilius. This he consented to do; and accordingly, says Plutarch, "taking his place before the people again, he delivered a bold invective against the oligarchical party and those who were jealous of Pompey."

At the close of his prætorship Cicero was entitled to claim a provincial government, which was looked forward to at Rome as one of the best prizes in the lottery of ambition. It afforded the most certain means of rapidly accumulating wealth; and, even if a man were virtuous or cautious enough not to go the length of a Verres or an Antonius, and provoke an impeachment by his avarice, there were numerous modes by which he might enrich himself

in the command of a province, and yet keep himself within the pale of the law.

Cicero, however, at the close of his prætorship declined the glittering temptation, and refused to accept a provincial government. He is entitled to the praise of disinterestedness in this so far as the love of money is concerned, for, had he been an avaricious man, he would have taken care not to let slip such a golden opportunity of amassing wealth; but it would be a mistake to suppose that contempt of riches was the cause of his refusal. He was covetous indeed, but covetous of honor, and he might truly say,

> "And if it be a sin to covet honor,
> I am the most offending man alive."

He candidly tells us that, with the consulship in view, he did not dare to leave Rome. Two years must elapse before he was qualified by law to attain that supreme dignity, but in the mean time he must actively prosecute a canvass amongst the immense body of electors, both at Rome and in the rest of Italy, and he could not afford to hazard a year's absence, and incur the risk of verifying the proverb, "Out of sight out of mind." He did not belong to one of the old aristocratic families whose ancestors had been senators, and who seemed to think themselves entitled to a monopoly of office, looking upon it as a kind of hereditary right.[1] He had no statues or pictures in his hall to show that his forefathers had been seated in the curule chair. He was, in fact, a

[1] Namque antea pleraque nobilitas invidiâ æstuabat, et quasi pollui consulatum credebat, si eum quamvis egregius, novus homo adeptus foret. — Sallust, *Bell. Cat.* c. 23.

parvenu, — or, to use his own term, a *novus homo*, — and he had all the difficulty to contend against in struggling upwards which is felt in England by those who have to make a position for themselves, and run the race of ambition against competitors who start with the enormous advantage on their side of an historic name and family influence.

Perhaps, also, there was a nobler feeling than mere ambition which influenced his resolution not to leave Rome. The state of affairs was eminently critical. He saw, and feelingly deplored, the tremendous evils to which his country was a prey. Let me quote what Niebuhr says on this subject. "To comprehend the occurrences of this time it is essential to form a clear notion of the immensely disordered condition of Rome. There never was a country in such a state of complete anarchy: the condition of Athens during its anarchy bears no comparison with that of Rome. The anarchy of Athens assumed a definite form; it occurred in a small republic, and was quite a different thing altogether. Rome on the other hand, or rather some hundreds, say even a few thousands, of her citizens, who recognized no law and no order, had the sway over nearly the whole world, and pursued only their personal objects in all directions. The 'Republic was a mere name, and the laws had lost their power.'"[1]

[1] Hist. of Rome, V. 15.

CHAPTER VII.

CANVASS FOR THE CONSULSHIP AND ELECTION.

ÆT. 42. B. C. 65.

To obtain the consulship was the next great object of Cicero's ambition; and although he could not be elected until the following year, he announced himself as a candidate at the *comitia tributa* or assembly of the people in their tribes, held in the Campus Martius for the election of Tribunes, on the 17th of July, B. C. 65.

This was done not in the form of an address to the "free and independent electors" according to modern usage, but in an equally plain and intelligible manner. He tells Atticus that he intends on the day mentioned to begin shaking hands with the voters (*initium* PRENSANDI *facere*), which was as well understood at Rome as it is in an English borough or county on the eve of an impending dissolution of Parliament.

It was during his canvass that his brother Quintus addressed to him that interesting letter or essay known as *De Petitione Consulatus*. It may be called a Manual of Electioneering Tactics for Ancient Rome, and proves that he was a man of much shrewdness and ability. It throws some insight into the state of society and customs of the time;

and is as if at the present day an account were given of the best mode by which an aspirant to Parliament could secure a seat in the House of Commons. But the limits of the present work will not allow me to do more than refer the reader to it. A nobler mode of winning the favor of the electors than a resort to such arts as Quintus recommends was the display of eloquence in the Forum, and Cicero gained great reputation this year by a splendid defence of the ex-tribune Caius Cornelius, who was accused before the prætor, Q. Gallus, of having violated the constitution (*crimen majestatis*). Cornelius had been tribune, and the offence with which he was charged consisted in his having proposed a law which we should think in the highest degree equitable, but which gave great offence to the Senate. This was that no one should be absolved from the obligation of obeying the law except with the consent of the supreme power in the state, that is, the people at a meeting duly assembled. The Senate had taken upon itself to exercise a dispensing power; — thereby reminding us of the conduct of James II., so bitterly resented by Parliament in his reign; — and treating therefore the measure as unconstitutional, they waited until Cornelius had laid down his office, during the tenure of which he was *sacrosanctus* and could not be impeached, and then put him upon his trial. The prosecution was conducted by the leading men of the Senate, such as Catulus, Lucullus, Hortensius, Metellus, and Lepidus, — a formidable array; but Cicero defended him, and he was acquitted. The speech is unfortunately lost. It lasted four days, and is mentioned by Quintilian

in glowing terms of praise. He says that Cicero defended Cornelius not only with powerful but brilliant weapons.

As may well be supposed, the people in whose interest the measure had been framed were on the side of Cornelius, and they loudly applauded the successful advocate. In a subsequent speech against Vatinius, Cicero declared that his defence of Cornelius was of great use to him in his canvass for the consulship; and he needed every aid that eloquence and ability could supply. For practically all Roman citizens not belonging to the hereditary aristocracy had been excluded from the two highest magistracies — the consulship and the censorship. "After the case," says Mommsen,[1] "of Manius Curius, no instance can be pointed out of a consul who did not belong to the social aristocracy, and probably no instance of the kind occurred at all." The great curule houses kept the appointment to themselves, and looked with the utmost jealousy upon the attempt of any "new man" to force his way to that proud preëminence. The time had gone by, as Mommsen truly remarks, when it was any longer possible to take a small farmer from the plough and place him at the head of the community; for Rome was not now merely the capital of a limited territory, or the chief power of an Italian confederacy, but was rapidly becoming the mistress of the civilized world. She held the east and west in fee: Africa, Egypt, Syria, Greece, Spain, Gaul,

[1] *Gesch. Rom.* Bk. III. c. 11. He gives a list of the *gentes* which furnished patrician consuls and curule ædiles for about 200 years down to B. C. 173 from which it appears that 16 houses supplied 140 consuls and 32 curule ædiles: of these the lion's share fell to the Cornelian and Valerian *gentes*.

Sicily, and Sardinia were her tributaries, and she governed them by her officers as completely as any part of Italy.

In a letter written this year, the date of which apparently is some time in June, and addressed to Atticus who was then at Athens, Cicero tells him the names of those who he expected would be his competitors. One indeed, P. Galba, was already in the field, but Cicero calls his a premature canvass (*præpropera prensatio*), and says that he met with flat downright refusals from the electors in old Roman style,[1] who told him without ceremony that they did not intend to vote for him but for Cicero. The others who were certain to be candidates were Antonius and Cornificius; and, possibly, Cæsonius and Aquillius might stand. But besides these there was Catiline, over whose head there was then impending a trial for pecuniary corruption in his provincial government of Africa. He had held that command for two years, and was now impeached by the provincials. Clodius was the prosecutor; and Catiline was disqualified to become a candidate unless and until he was acquitted. But Cicero was so confident of his guilt and of his conviction, that he uses the strong expression: "Catiline will be a competitor provided that the jury decide that the sun does not shine at noon."[2] In other words, "Catiline can only be declared not guilty by a jury which is ready to declare that the sun does not shine at mid-day." In point of fact, however, Catiline was

[1] Sine fuco ac fallaciis more majorum negatur. — *Ad Att.* I. 1.

[2] Si judicatum erit, meridie non lucere, certus erit competitor. — *Ad Att.* I. 1. It is extraordinary how this passage has been misunderstood by several writers.

acquitted, for Clodius the prosecutor was tampered with. He took money from Catiline to betray the cause; and the jury were also bribed.

But here a difficulty occurs which has puzzled many learned men. Fenestella, a grammarian who wrote shortly after the death of Augustus, declares that Cicero defended Catiline in this impeachment. Asconius Pedianus, who lived about a quarter of a century later, and is one of the most useful of all the commentators on Cicero, says that he did not; and I think the arguments are convincing to show that Asconius is right. But in the very next letter of Cicero that we possess, we find the remarkable passage: "At this moment I contemplate undertaking the defence of Catiline *my competitor*. We have just such a jury as we wished to get, and have the best possible understanding with the prosecutor.[1] I hope, if he is acquitted, that he will be more disposed to coalesce with me in the canvass; but if it turns out differently I shall be able to bear the disappointment." This proves beyond all doubt that Cicero at that time meant to defend him; and it is on this letter that Fenestella, and those who follow him, rely to prove that he did defend him in the case of the impeachment by the Africans. But what is the date of the letter, and to a defence in what case does it refer?

The letter begins by informing Atticus of the birth of Cicero's son — "*L. Julio Cæsare, C. Marcio Figulo consulibus.*" But they were not consuls until the year *after* Catiline had been tried and acquitted on the African charge. It is clear, therefore, that the

[1] Summâ accusatoris voluntate. — *Ad Att.* I. 2.

intended defence here spoken of cannot refer to that charge, unless we adopt the hypothesis that Cicero, in mentioning the names of the consuls, means consuls elected but not actually in office. This would get over the chronological difficulty, for we may then conclude that the letter was written in the same year as the former one, and before Catiline's trial for embezzlement had taken place. I am not, however, aware that any other instance can be found of a Roman writer dating an event by the names of consuls *elect*. The universal custom was to mark the year by the consuls for the time being; and, besides, Cicero speaks in this second letter of Catiline as an actual competitor. But I have already mentioned that he was by law disqualified from standing while his trial was pending. Some writers try to get over the difficulty by relying on the fact that in the course of these two years Catiline was twice tried under two different prosecutions for different offences. The first trial was for embezzlement in Africa, the second was for illegal violence, if not murder, alleged to have been committed in the time of Sylla;[1] and they assume that it is to this second trial, as then impending, that Cicero refers when they say his intention was to appear as Catiline's advocate, although it is all but absolutely certain that he did not.

But there remains a great difficulty, which I have not seen adverted to by any other writer. In the same letter which bears the date of the consulship of Lucius Cæsar and Figulus, Cicero tells Atticus that he is very anxious for him to come to Rome to

[1] Dio Cass. 37. 10. Cic. pro Sullâ, 29. 91.

exert his influence with his friends amongst the nobility, who it was generally believed *adversarios honori nostro fore*. Now the obvious meaning of these words is "who will be opposed to my election as consul"; and it was natural that Cicero should wish to have the benefit or his friend's assistance during the canvass. And he goes on to say, "Take care, therefore, and be in Rome in January, as you originally intended." If then this letter was written in the year B. C. 64, when Cæsar and Figulus were actually consuls, the January here referred to must be the January of the following year, B. C. 63. But the contest would before that time have been decided, as the election was to take place in the course of the year B. C. 64, and Atticus could be of no use at Rome *then* as a canvasser, or give Cicero any help in an election which was over. Upon the whole I am inclined to believe that the hypothesis is right which assumes that the letter was written in the year B. C. 65, when Lucius Cæsar and Figulus were consuls elect. Atticus appears to have complied with the request of his friend, and to have resided at Rome for the next two or three years, for during that period there is a blank in their correspondence, and it is not renewed until the second year after Cicero's consulship.

The chief interest in the question is independent of the fact whether Cicero did actually defend Catiline or not. It is enough that we find him seriously contemplating the intention, and using language with respect to the approaching trial (whatever the charge may have been) which implies that a packed jury had been secured. How could he think of appear-

ing in defence of such a man as Catiline, whom, as we shall see, he soon afterwards bitterly attacked? If the profession of an advocate in ancient Rome had been the same as it is in England, there would be no difficulty in the matter, for the modern advocate does not concern himself with the guilt or innocence or moral character of his client. His duty is merely to deal with the legal evidence, and to show if possible that it fails to bring the charge home to the accused. And, except in some rare cases, he is by the very fact of his profession understood to be under an implied obligation to undertake the defence of the accused if his assistance is required. But at Rome it was different. The advocate there was conceived to have a much wider discretion than we allow, and it was optional with him to appear or not in any case as he thought fit. His services were gratuitous, and he generally practised in the courts with a view to qualify himself to become a successful candidate for public office. It is therefore remarkable that we find Cicero not only ready to defend Catiline at his trial, but ready to make common cause with him in canvassing for the consulship. Are we to adopt the explanation at which Cicero seems to hint in his speech in defence of Cælius at a much later period of his life? He there, in order to relieve Cælius from the odium arising from his former intimacy with Catiline, declares that he himself had formerly been deceived in his estimate of that man's character, and had thought him a good citizen and a firm and faithful friend. But it is difficult to reconcile this view with the fact that, not very long after he had told Atticus that he

intended to defend Catiline, and if he was acquitted hoped to have him as an ally in his canvass, he delivered a speech in the Senate, known as the oration *in Togâ candidâ*, in which he furiously attacked him, and upbraided him with all the infamy of his past life. The truth is, that we must not look for perfect consistency in Cicero, nor be surprised to find that with a political end in view he was not as scrupulous as he ought to have been about the means. I believe him to have been one of the purest and most virtuous of the ancients, and in some respects to approach nearest to the character of a Christian gentleman; but I am far from thinking him faultless, and the highest Pagan morality, when "darkness covered the earth, and gross darkness the people," was something very different from Christian principle.

In the same letter in which he announced his intention of becoming a candidate and commencing his canvass for the consulship in July of this year, he told Atticus that he should perhaps take the opportunity of what we may call a legal vacation [1] to go into Cisalpine Gaul (the modern Piedmont and Lombardy) and stay there from September to January under the pretext of being Piso's lieutenant, in order to canvass electors and secure votes.

The same letter shows how anxious he was at this time to stand well with every one and offend nobody. Cæcilius, the rich and miserly uncle of Atticus, had, as he alleged, been cheated by Varius out of a large sum of money. Varius made a fraudulent assignment of his goods to his brother Satrius

[1] Cum Romæ a judiciis forum refrixerit.

and Cæcilius brought an action (something like our action of trover) against Satrius, and wished Cicero to be his counsel. But Satrius was on intimate terms with Cicero, and had been of considerable use to both him and his brother Quintus at other elections. And, besides, he was a friend of Domitius Ahenobarbus, a wealthy and influential nobleman — upon whom Cicero says he chiefly depended for attaining the object of his ambition. He pointed this out to Cæcilius and begged to decline the retainer; but the old usurer was much offended, and showed his displeasure by dropping for a time the acquaintance. Writing to Atticus, Cicero excuses himself for not appearing against Satrius in his uncle's case, and puts it on the ground that he did not like to be counsel against a man who was his friend, and in distress; but conscious that Atticus would guess the true reason, he goes on to say: "If you like to take a harsher view, you will think that reasons of ambition prevented me. Well! even if this be so, I think that I may be pardoned, since it is no bagatelle that I strive for. For you see what a race I am running, and how necessary it is for me not only to retain but to acquire the good-will of everybody. *I* certainly am anxious to do so."

Assuming that I am right in the date of the letter which has reference to Cicero's intended defence of Catiline, it was during this year that his only son was born.[1] For that letter commences thus: *L. Julio Cæsare, C. Marcio Figulo consulibus filiolo me auctum scito, salvâ Terentiâ.* It is certainly a stiff mode of

[1] Middleton places the birth in the following year when Lucius Cæsar and Figulus were actually consuls.

announcing such an event to an intimate friend: "know that in the consulship of Cæsar and Figulus I have had an increase to my family by the birth of a son, and Terentia is doing well." He then passes on to talk of Catiline and his own prospects of the consulship.

The consuls for the next year, B. C. 64, were Lucius Julius Cæsar, and Caius Marcius Figulus, who had assumed that name on adoption, according to the Roman custom. His original name was Thermes; and in a letter to Atticus, written in the previous year, Cicero had expressed a hope that Thermes would be Lucius Cæsar's colleague; because, if not, he foresaw that he would be a formidable competitor to himself on account of his popularity arising from his completion of the Flaminian Way, of which work he had the superintendence. This Flaminian Way is now known as the Corso, the principal street of modern Rome. It runs north from the Capitol to the Piazza del Popolo, at the extremity of which is the Porta del Popolo, the old Flaminian gate, through which in after-years the Via Flaminia passed and crossed the Tiber over the Milvian bridge, the modern Ponte di Molo. But in the time of Cicero there was no Flaminian gate, which did not exist until the Aurelian wall was built, embracing a much wider circuit than was occupied by the city in the days of the Republic. It is perhaps hardly necessary to mention that modern Rome is almost wholly confined to what was the Campus Martius, then a green and grassy plain, with a few monuments and public buildings, and where some years afterwards M. Agrippa erected the stately Pantheon, and Augustus

placed that beautiful Mausoleum for the ashes of his family, the first occupant of which was the young Marcellus, so beloved and so lamented by the whole of Rome.

Cicero was now actively in the field, and had six competitors. These were Catiline and Galba, both of patrician rank, and C. Antonius Hybrida (a younger son of the deceased orator), L. Cassius Longinus, Q. Cornificius, and C. Licinius Sacerdos, all of the plebeian class. But both Antonius and Longinus belonged to the class of *nobiles*, that is, their families had held offices of state entitling them to the curule chair; and Cicero was the only candidate whose family was of the equestrian order, and could boast of no public dignities. This placed him at a great disadvantage, owing to the jealousy felt by the proud nobles against the pretensions of one whom they looked upon as an upstart, and he well knew the means they had in their power of defeating his election. For they were wealthy and influential, and wealth and influence had all but omnipotent sway amongst the electors. On such occasions unblushing bribery and corruption of all kinds were freely resorted to. And it must be remembered that the voters were not merely the populace of Rome. The Italian towns that possessed the franchise contributed large numbers, all of whom might be practised upon by his opponents.

Julius Cæsar and Crassus openly espoused the side of Catiline and Antonius, who had formed a coalition and fought a common battle for the consulship. Antonius was a man of bad character, and his name had been erased from the list of senators by the cen-

sors.[1] So unscrupulous was the agency at work to influence the election, that the Senate was called upon to interfere. A measure was proposed to give more stringent effect to the laws against bribery and corruption, but the tribune Orestinus interposed his veto. This gave occasion to Cicero to deliver a speech known as "the oration in the white robe," because as a candidate he wore, according to the usual custom, a white toga (intended perhaps to be emblematical of purity of election). It is unhappily lost, and we possess only a few fragments preserved by Asconius. In it he attacked his two principal competitors with unsparing severity, and thus laid the foundation of the bitter hatred which Catiline felt towards him, and which, as we shall see, culminated afterwards in an attempt upon his life. They had, he said, on the previous night, together with the agents they employed to bribe the electors, met at the house of a man of rank notorious for the part he took in that kind of corruption.[2] And he alluded to Catiline's alleged criminal intercourse with Fabia, a vestal and the sister of Terentia, contriving at the same time to damage his opponent and save the honor of his sister-in-law, by saying that Catiline's conduct was such that his very presence raised a suspicion of guilt even where there was nothing wrong.

1 The censors had this power. P. Lentulus, after having been consul B. C. 71, was expelled from the senate by the censors on account of his dissolute course of life. There is an instance in English history of a peer being deprived of his dignity by act of Parliament on the ground of poverty. By a statute passed in 17 Edw. IV., George Nevil, Duke of Bedford, was for that reason deprived of his peerage.

2 According to Asconius it was either Cæsar or Crassus who was here pointed at.

This speech was delivered only a few days before the *comitia centuriata*, or meeting of the centuries, was held in the Campus Martius, to determine the election of consuls, which was conducted in the following manner: —

The people assembled in the Campus Martius were told off into their centuries, and it was then decided by lot which century should vote first. A narrow passage fenced off on each side, and called *ponticulus*, led into an enclosure called *septum*, "barrier," or *ovile*, from its likeness to a sheep-pen, and each of the voters passed along it. As he entered it he was furnished by officers, called *diribitores*, with tickets on which were written the names of the candidates. At the other end were placed urns or boxes into which he deposited the name of the candidate or candidates for whom he wished to vote; and when all the members of the century had voted, the tickets were taken out by scrutineers called *custodes*, and the numbers were pricked on a tablet most probably smeared with wax. The result was then announced, and the majority of the individual votes determined the vote of the century. That which came first was called the *prærogativa centuria*, and its vote generally determined the fate of the election. The vote of the first century chosen by lot was taken as an indication of the wish of the majority of the people,[1] and the other centuries generally followed suit. The number of the centuries was ninety-seven, and the election depended upon the votes of the majority of the whole.

So great, however, was Cicero's popularity, that the electors, instead of resorting to ballot, proclaimed

[1] Pro signo voluntatis futuræ. — *In Verr.* I. 9.

him consul by loud and unanimous shouts.[1] Antonius had the next greater number of votes, beating Catiline by a small majority, and the rest of the competitors appear to have been nowhere. Cicero therefore and Antonius became the consuls elect for the following year, although they did not actually assume office until the first of January. The triumph of Cicero was greatly to the credit of the people. His only claims to their suffrages were his splendid abilities and his unsullied character. He was opposed by men of rank, and wealth, and power, who were ready to buy votes as freely as they bought merchandise, and against such a temptation he could only rely upon popular gratitude for his services as an advocate and a statesman, and his fame as an orator. Bad as was the state of society at Rome, utterly bad as was the tone amongst the upper classes, demoralized by long years of civil strife, it is impossible not to believe that the heart of the people was in some degree sound, which could thus respond to the call of genius and virtue and reject the bribes that were freely offered.

Most probably Cicero had been too busily occupied with his canvass and the excitement of his election this year to find much time for the duties of an advocate. At all events we know of only one trial in which he was engaged, and that was when he defended Q. Gallius the prætor of the preceding year, who was accused of having obtained his office by illegal means, in other words, by bribery and corruption. The speech is lost, but it was successful, and Gallius was acquitted.

1 Me cuncta Italia, me omnes ordines, me universa civitas non prius labellâ quam voce priorem consulem declaravit. — *In Pisonem.*

CHAPTER VIII.

THE CONSULSHIP.

Æt. 43. B. C. 63.

Cicero had attained the summit of ambition. He was Consul of Rome. As such he was entitled at the expiration of his year of office to the government of a province, an honorable and lucrative preferment which was naturally much coveted; and it was usual for the two consuls on the day of their inauguration to draw lots for the provinces which each was to obtain. Cicero, however, in the first speech that he made in a crowded Senate on the very day he assumed office, — the first of January, — publicly declared that he sought neither a provincial government, nor honor, nor advantage, nor anything which it would be in the power of a tribune of the people to oppose. And he made this noble promise, "I will, Conscript Fathers, so demean myself in this magistracy as to be able to chastise the tribunes if they are at enmity with the Republic, and despise them if they are at enmity with myself." This was, indeed, as he himself declared at the time, the only way in which the office could be discharged with dignity and freedom, but it was not the less praiseworthy in him to commit himself to such an act of self-denial, and look solely for his reward in the approval of his

own conscience and the regard of his fellow-citizens. Sallust says that he had already won over his colleague Antonius, by agreeing to resign to him the province that might fall to his lot, in case it were better worth having than the one which Antonius obtained. Afterwards, when the lots were drawn and Cicero got Macedonia, a tempting prize, he at once made it over to Antonius, and contented himself with Cisalpine Gaul. This, however, he did not retain, but voluntarily gave it up and exerted himself to get it assigned to Q. Metellus Celer.

At the very outset of his new career he distinguished himself by three remarkable triumphs as an orator. The first of them is characterized by Niebuhr as "one of the most brilliant achievements of eloquence." A bill called a *lex agraria* was brought forward by the tribune P. Servilius Rullus, the object of which was to create ten commissioners, called Decemvirs, for five years, with power to dispose absolutely, with a few exceptions, of the whole of the public lands of the State, and out of the proceeds of the sale to purchase other lands in Italy on which to settle colonies from Rome. They were also to have the entire control over all the prize or booty taken in war, except such as was already in the hands of Pompey, and if we may trust the account which Cicero gives of the measure in his impassioned argument against it, they would become in fact the uncontrolled masters of the whole revenues of the Republic. He first opposed the bill in the Senate in a speech of which a great part is lost. He challenged Rullus and those who supported him to meet him in the Forum, and let the people decide between them

They deemed it more prudent not to accept the challenge, but Cicero harangued the multitude from the Rostra in two speeches, the first of which is remarkable for its ability and power. He had a difficult part to play, for the measure professed to be one of relief for the populace of Rome, and the multitude that thronged the Forum that day must at first have listened with unwilling ears to a speaker whose object was to make them relinquish a proffered boon. But he succeeded, and by a simple method. He told the people that the proposed Decemvirate was nothing more nor less than tyranny in disguise. The ten commissioners would be ten kings, the name most hateful to Roman ears. From first to last he impressed this upon his hearers, and drew a startling and no doubt an exaggerated picture of what would happen if the bill passed into a law.

He began by thanking the people for placing him in the proud position in which he stood, and declared that he was not opposed to the principle of an agrarian law as such. He was not one of those, he said, who thought it a crime to praise the Gracchi, whose measures and wisdom had been of such service to the State. When, therefore, as consul elect, he first heard it mentioned that the tribunes intended to frame an agrarian law, he was anxious to be admitted into their counsels and assist at their deliberations. But they declined his coöperation, and concocted the measure in darkness and secrecy. At last he heard that it had been published, and immediately sent to have a copy taken and brought to him. He declared that he began to read it with a full determination to support it if it were a bill beneficial to their interests

and one which a consul who was in the right sense of the word a liberal (*re non oratione popularis*) could readily and with honor defend.

"But," he continued, "from the beginning of the first chapter to the end I find that nothing else is intended or done than the creation of ten kings, who, under the name and pretence of an agrarian law, are made the masters of the public treasury, the revenues, all the provinces, the whole republic, the kingdoms, the free nations, — in short, the whole world. I assure you, men of Rome, that by this specious and popularity-hunting agrarian law nothing is given to you, but all things are conferred on a few individuals; a show is made of granting lands to the Roman people, but in fact they are deprived of their liberty, — the wealth of private persons is increased, but the public wealth is drained; in short, — what is the worst feature in the whole scheme, — by means of a tribune of the people, whom our ancestors intended to be the protector and guardian of freedom, kings are established in the state."

Having struck this chord he rang the changes upon it throughout his whole speech, and to make the proposed appointment more invidious, described the regal retinue which the commissioners were to have as "the ministers and satellites of their power." He drew a ludicrous sketch of Rullus going to Sinope and sending a summons to Pompey, who was then pursuing his career of conquest in the East, to attend him while he put up to sale the lands which the great general had won by his sword. And with reference to the object of all this, namely, the purchase of lands in Italy to be colonized by citizens of Rome, he showed how contemptuously Rullus had spoken of them in the Senate, quoting the expression he had used when he declared that "the populace was too numerous, and must be drained off," as if

forsooth, said Cicero, he were speaking of a sink or sewer, and not of a class of excellent citizens. Would the people like to abandon all the pleasures and delights of Rome, its liberties, its franchise, its games and its festivals, and be settled in the arid plains of Sipontium, or the pestilential marshes of the Salapini? It was not safe to trust to these men the power of choosing sites for colonization. The policy of their ancestors had been to plant colonies as a protection against danger, and to regard them, not as mere towns of Italy, but bulwarks of the empire. Such is a very brief outline of the argument of the speech which Cicero delivered.

Rullus and his colleagues did not venture to answer him on the spot, but they spread abroad the report that the reason why he attacked the measure was because he wished to secure the soldiers and partisans of Sylla in possession of the lands which had been assigned to them by the dictator, and feared lest they might be deprived of them by the operation of the proposed law. He was, therefore, called upon to speak at another meeting, when he briefly showed the absurdity of the charge by pointing out that the bill expressly confirmed the title of those settlers, and that therefore he could have no motive on that account for opposing it. He ended with these words: "They are preparing an army against you, against your liberties, and against Pompey; Capua against Rome; against you a band of desperate men; against Pompey ten generals. Let them come forward, and since they have summoned me to address you at a public meeting, let them now speak themselves." The result was that the bill was rejected.

The next measure on which he exerted the marvellous power of his oratory was one which was in itself eminently just, but at the time inexpedient, and he therefore opposed it. Sylla had not only proscribed individuals and families who were the objects of his vengeance, but had confiscated their property, and by a most iniquitous law decreed that their descendants should be incapable of holding any public office and disqualified from becoming candidates. Never had men a juster title to civic rights, not forfeited by any crime or fault of their own, but torn from them by the strong arm of a tyrant. They were numerous and influential, belonging, as many of them did, to the first families in Rome. It seemed to be an act of only common justice to take off the ban under which they lay, and they were actively prosecuting a petition to the Senate, the object of which was to have their civic *status* restored. But what is just in politics is not always expedient, or at all events is not always thought so. In the present case there was danger lest if the men who had suffered under the tyrant's law got power into their hands they might use it for purposes of retaliation, and intestine strife would be the consequence. Cicero, therefore, made a speech in opposition to their claim, and actually by his eloquence persuaded them to abandon it.

Almost immediately afterwards he succeeded in quelling a popular tumult in the same way. The people had never forgiven Otho for the law of which he was the author four years before, and by which particular seats were reserved for the equestrian class at the theatres and public shows. Whether there

had been a delay until now in giving effect to the law, or whether Otho, conscious of its unpopularity, had hitherto abstained from appearing in the theatre, I know not; but it so happened that when he entered it at the beginning of this year he was received with a storm of hisses. The knights clapped their hands and applauded him. A serious riot ensued, and Cicero was sent for. He invited the people to follow him to the neighboring temple of Bellona, and there addressed them in an extempore speech — known as that *pro L. Roscio Othone*, but now unfortunately lost — by which he completely appeased the anger of the crowd, and restored them to good humor. The only hint we have of anything he said is what Macrobius tells us, namely, that he upbraided them for making such a noise and disturbance while Roscius was acting.

History can record few such triumphs of eloquence as these; and well might the elder Pliny in allusion to them exclaim with all the fervor of enthusiastic admiration, that Cicero was the first who had deserved a civil triumph and the "laurels of the tongue." [1]

His next important speech was that in which he defended the senator Rabirius, who was prosecuted by the tribune Labienus for the alleged murder of Saturninus, in a popular tumult seven-and-thirty years before. The speech we have is imperfect, so that it is hardly fair to criticize it; but it seems to have been by no means one of his happiest efforts. Saturninus was a tribune of the people, and a seditious demagogue. He and others had seized on the Capitol

[1] Hist. Nat. VII. 30

and held it with an armed band of followers, when the Senate authorized the consuls to use the whole power of the state and crush the insurrection. An attack was made on the Capitol, and Saturninus was slain in the conflict. A slave named Scæva came forward, and avowing himself the author of the deed claimed a reward. Thirty-seven years had passed away since then, and the affair must have been well-nigh forgotten, when Attius Labienus accused Rabirius, then an aged senator, of having killed Saturninus, whose person as tribune of the people was inviolable, and he was put on his trial before two special judges appointed by the prætor called *Duumviri*. These were Julius Cæsar and Lucius Cæsar. He was defended by Hortensius, who denied that his client had killed Saturninus. Rabirius however was found guilty. He was condemned to death, and sentenced to be crucified in the Campus Martius like the meanest slave. He then appealed to the people, and Cicero was his advocate before the multitude assembled in the Campus Martius. By one of those capricious acts of power which the tribunes possessed and so often abused, Labienus limited the speech to half an hour, but Cicero adroitly turned this to the advantage of his client. He said it was a proof that Labienus thought that so short a time was more than enough for so clear a defence. So far as we can gather from what remains of his speech, the argument was simply this: capital punishment was odious, and death by hanging ought never to be the sentence against a Roman citizen. He was sorry he could not assert that Rabirius had slain Saturninus, for Hortensius had denied it; but he

had armed himself for the purpose, and that was just as bad if it was a crime at all. But it was no crime, as Saturninus deserved his fate, and Rabirius did right in obeying the call of the consuls to assist in putting down the sedition. When he declared that he wished he could claim for Rabirius the honor of having killed Saturninus the enemy of the Roman people, he was interrupted by shouts, and stopping suddenly, he exclaimed, — "That clamor does not disturb me; but it comforts me, since it shows that there are some ignorant citizens, but not many. The Roman people who stand here silent would never, believe me, have made me consul if they thought I should be disconcerted by your clamor. How much less noisy you have already become! Why do you keep back your voices, which are a sign that you are foolish and a proof that you are few?"

The people, however, were unfavorable, and Rabirius would have been again condemned had not Metellus Celer, who was augur this year as well as prætor, bethought himself of an expedient to save him. There was almost always some mode of stopping the business of a public meeting at Rome, where such reverence was paid to legal formalities and superstitious observances. It seems that the *comitia* could only go on while a flag waved on the Janiculum hill on the other side of the Tiber.[1] Metellus pulled down the flag, and this broke up the assembly. Labienus afterwards abandoned the prosecution; the judgment of the *duumvirs* was

[1] The origin of this no doubt was that in early times the flag was hoisted as a signal that all was safe on the Etruscan side. If it was hauled down it gave notice that invaders were approaching. The observance of the custom long outlived its necessity.

tacitly allowed to go for nothing, and Rabirius was saved.

Cicero also in the course of the year defended C. Calpurnius Piso, who had held the proconsular government of Gaul. He was a stern and severe ruler. Cicero praises him in a letter to Atticus as "the pacificator of the Allobroges"; but it was pacification much in the same sense as the well-known saying, "order reigns at Warsaw." He was accused of extortion, and also of having unjustly punished one of the Gauls who were subject to his sway. Cæsar, who was their patron at Rome, conducted the prosecution, and Cicero undertook the defence. The speech is lost; but we know that Piso was acquitted.

The crisis of Cicero's destiny was now approaching, for he had to deal with the great Catiline conspiracy.

Lucius Sergius Catilina was born B. C. 106, in the same year as Cicero himself.[1] He belonged to one of the oldest of the patrician families in Rome. The Sergian gens traced its proud pedigree back to Sergestus, one of the companions of Æneas. His grandfather was M. Sergius, a soldier of distinguished bravery. In the second Punic war he received twenty-seven wounds and lost his right hand, but like Götz von Berlichingen in Goethe's drama, he supplied its loss with an iron one. Catiline was a bold and desperate man. He was steeped in mur-

[1] It may be interesting to mention that Augustus Cæsar was born in the year of Cicero's consulship.

der from his earliest youth. In the civil wars of Sylla he killed with own hand his brother-in-law; and tortured to death Marius Gratidianus, a kinsman of Cicero, and carried his bloody head through the streets of Rome. He was suspected of an intrigue with Fabia, the sister-in-law of Cicero, and a vestal virgin. She was tried on the capital charge, for the penalty of such an offence in a vestal was death, but she was acquitted. He is said to have murdered his own son in order to marry Aurelia Orestilla, who objected to having a step-son in her family. Niebuhr says of him, "he was so completely diabolical that I know no one in history that can be compared with him; and you may rely upon it that the colors in which his character is described are not too dark, though we may reject the story of his slaughtering a child at the time when he administered an oath to his associates." Cicero declared that there never before was seen on earth such a monster made of opposite and contradictory characters, and that he himself at one time was almost deceived by the better qualities of his nature —

> Thus with each gift of nature and of art,
> And wanting nothing but an honest heart.

He was of immense stature and prodigious strength. Like Saul, "from his shoulders upwards he was higher than any of the people." Sallust has drawn a picture to the life of the brawny giant tortured with the stings of his guilty conscience: his pallid cheeks, his bloodshot eyes, and his unsteady step showed how remorse was preying on his soul. He gathered around him the dissolute youth of Rome,

and became the pimp and pander of their licentious pleasures, exacting from them in return the use of their daggers whenever he had an enemy whom he wished to murder.[1] He was elected prætor, and after the expiration of his office became governor of Africa. He was then accused by Clodius of extortion and embezzlement, and tried on the charge, but acquitted. Cicero had, as we have seen, already crossed the path of his ambition; and he knew that in him as consul he would find his most resolute opponent. His plan was to obtain the consulship, and then by means of armed violence make himself master of Rome. For this purpose he had been gradually collecting, by means of his emissaries in different parts of Italy, a band of needy and disaffected men, ready for any desperate enterprise. The place of rendezvous was Fæsulæ (the modern Fiesole), a town that commanded the northern pass of the Apennines, and looked down from its lofty height upon the valley of the Arno. On the other side of it farther towards the north is still pointed out the site of the camp of Hannibal, where tradition tells us that the Carthaginian leader halted on his march to Rome before the battle of the Thrasymene lake. Fæsulæ was occupied by one of his creatures, Caius Manlius, a veteran centurion of the old army of Sylla, under whose orders the motley groups as they arrived were directed to place themselves, and there await the signal for revolt.

Catiline's chief chance of success in his canvass

1 For the character of Catiline see *pro Cælio*, c. 5, 6; *in Cat.* II. 4; Sallust, *Bell. Cat.* 5 & 15; Plut. *Sall.* c. 32; Flor. IV. 1; Vell. Pat. II. 34 Liv. Epit. 102.

for the consulship lay in the unscrupulous use of bribery; and to prevent this, if possible, Cicero brought forward and got the people to pass a law which punished the offence with banishment for ten years, and enacted that it should not be lawful for a candidate for public office to exhibit any gladiatorial shows during the period of two years before the election, unless he was called upon to do so by the will of a testator whose property he inherited. The object of this no doubt was to deprive candidates like Catiline of the excuse of keeping in their pay bodies of armed men to overawe the election, and create tumult and disorder. He knew that the new law was levelled at himself; and frantic with rage, he hired assassins who were to attack and murder Cicero in the Campus Martius, at the meeting held for the election of consuls. The day fixed for the comitia was the 26th day of October, but the consul was warned in time. On the previous day he discovered in the Senate the plot against his life, and getting the comitia put off, challenged Catiline to appear next day, and answer him to his face. Catiline came, and, with the reckless audacity of his nature (*ut semper fuit apertissimus*, says Cicero), avowed his design, saying that there were two bodies in the state (meaning the Senate and the people), one of which was infirm with a weak head, the other was strong but had no head. He would, however take care that while he lived, it — a head — should not be wanting. Hearing his bold avowal, the Senate in alarm immediately armed the consuls with full power to take such measures as they deemed right, by passing the well-known resolution — *ut consules*

viderent ne quid detrimenti respublica caperet. The comitia was held the next day, and Cicero putting on a breastplate of glittering steel that all might see the reality of his apprehension of the danger that threatened him, went to the Campus Martius surrounded by a body of armed attendants. Catiline was there with his band of ruffians, but did not venture to attack the strongly guarded consul. The election took place without a riot, and Catiline was again defeated. Junius Silanus and Licinius Murena were declared the consuls elect. This second repulse made Catiline furious; and that very night he and his fellow-conspirators met at the house of Porcius Læca, and planned the destruction of the city by fire and sword. The great obstacle in their way was Cicero, and he must be got rid of. Two of the party whose names are differently given by different authors[1] undertook to murder him next morning, by gaining admission to his house under the pretence of an early visit to pay their respects according to the Roman custom. Fulvia, the mistress of one of the conspirators, got intelligence of the plot just in time to put him on his guard. When the two assassins reached his house in the gray dawn of the morning, they found it closely barricaded, and were denied admittance. Cicero summoned the Senate to meet him next day, the eighth of November, in the temple of Jupiter Stator, the ruins of which are still seen in the Forum. The news of the nefarious plot got wind, and when Catiline showed himself in the hall he was received with an ominous

[1] Sallust mentions C. Cornelius and L. Vargunteius; Plutarch, Marcius and Cethegus; Cicero (*pro Sullâ*, 6) names only Cornelius.

silence; not an acquaintance spoke to him, and when he approached his seat the senators who were near moved away and left their places.

It was then that Cicero rose and burst forth with that passionate appeal:[1] —

"How long, Catiline, will you abuse our patience? How long will that fury of yours baffle us? To what lengths will your unbridled audacity extend? Do you stand unmoved at the sight of the guard that garrisons the Palatine at night — the watches that patrol the city — the terror of the people — the concourse of well-affected citizens — this strongly defended place of meeting for the Senate — the looks and countenance of all those around you? Do you not feel conscious that your plans have been discovered? Do you not see that your conspiracy is known to all here? Which of us, think you, is ignorant of what you did last night and the night before, where you were, the persons you met in conclave, the plot you formed? What times we live in! What a state of morals is disclosed! The Senate is aware of all this — the consul sees it, and yet this man lives! Lives, do I say? Aye! even comes to the Senate; takes part in the council of the nation; marks out and designates with his eyes each one of us for slaughter. We, on the other hand, brave men that we are, fancy that we do our duty to the Republic if we manage to escape his fury and his weapons. Long ago, Catiline, you ought, by the consul's order, to have been led forth to execution; and on your head ought to have been hurled the destruction which you have long been plotting against us all."

And so he went on in a strain of indignant eloquence. He reminded the Senate how the Gracchi and Melius and Saturninus and Servilius had been put to death for conspiracy against the state, and said he almost reproached himself for allowing Cati-

[1] The dates of the Catiline orations are these: — The first speech was delivered in the Senate on the 8th of November; the second to the people on the following day; the third to the people on the 3d of December; the fourth in the Senate on the 5th of December.

line to live. But his apology was this: if Catiline was prematurely dragged to the scaffold, the roots of the conspiracy would remain. His punishment must overtake him when, with his accomplices in crime, he joined the camp of Manlius in open and undisguised rebellion. He therefore called upon him to rid the city of his and their detested presence; and if he wished to justify the cry which sent him away an exile from Rome, he would hasten to the brigands who were his associates and levy war against his country. Face to face he upbraided him with the infamy of his past career; and alluding to the murder of his son by his own hand, said that he would not be more explicit, lest it should be known that so terrible a crime had been committed in Rome, or that the criminal had not been punished.

At the end of this terrible invective Catiline rose and attempted to speak. He began by imploring the Senate not to judge him hastily or harshly, and reminded them that he was sprung from a family which had rendered many services to the state. It was not likely that he, a patrician, should be the destroyer of the Republic; and a man like Cicero, a mere provincial,[1] its savior. Here, however, his voice was drowned by loud cries of "Traitor! Parricide!" which assailed him on all sides. He stopped and glaring furiously around exclaimed, "Since then I am driven headlong by my enemies, I will extinguish the conflagration of which I am the victim, in the common ruin of all." He quitted the Senate house, and after conferring at his own house with

1 *Inquilinus*, a tenant or occupier of a house as distinguished from the owner.

the chief leaders of the conspiracy, and assuring them that he would soon be at the gates of Rome with an army, he that night left the city with a few associates and made for the camp of Manlius. There we will follow him after mentioning the events that occurred at Rome.

The next day Cicero addressed the people at a public meeting in the Forum. He began by congratulating them on the flight of Catiline, and said he only regretted that so few had accompanied him. His prayer was that the rest would follow him. "I will point out the road," he said: "he has gone along the Aurelian Way; if they wish to make haste they will overtake him this evening." He excused himself on the same grounds as he had alleged in the Senate the day before for letting Catiline escape. The catastrophe that would overwhelm the traitors was imminent and certain. Abroad, Rome was at peace with the whole world, and she had now only to contend with an internal foe. Some said that he had acted harshly, and pretended to believe that Catiline would consider himself in banishment and go quietly to Marseilles. If so, they might say of him what they liked; he was content to be charged with driving Catiline into banishment, but he prophesied that in three days they would hear of him at the head of an army of rebels. He then described the character of the partisans of Catiline who were still left in Rome, and again urged them to go. They would find no sentries at the gates; no ambuscades to attack them on the road. If, however, they chose to stay, let them beware. If they stirred in their nefarious plot, they would find the consuls

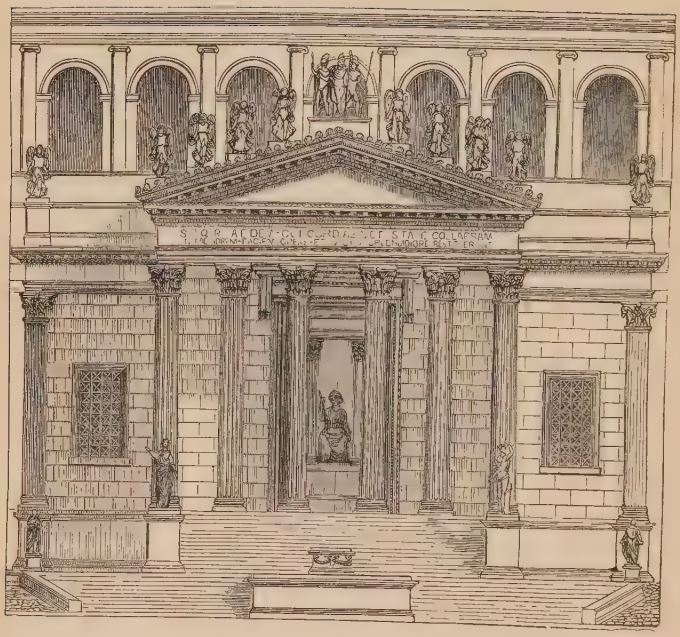
and magistrates and Senate prepared; and would expiate their guilt in that prison which their ancestors intended to be the scene of the punishment of open and notorious crimes. He concluded by calling on the people to pray to the gods who so visibly preserved them to continue to protect the city, now that all external enemies were overcome, against the wicked attempts of abandoned citizens.

Catiline and Manlius were immediately declared public enemies by the Senate, and a certain time was given to the rebel forces to lay down their arms or incur the penalties of treason. The great object was to obtain legal proof to warrant the arrest of the chief conspirators who remained in Rome. This was by no means easy, for such was the fidelity of the conspirators to each other, and so closely was the plot concealed, that, notwithstanding a large reward was offered for the discovery, not an informer came forward. But an opportunity soon occurred of which Cicero dexterously availed himself. There happened to be at this time in Rome some envoys from the Allobroges,[1] a people whose territory was nearly identical with the limits of modern Savoy; and the conspirators thought that if the flames of war could be kindled in Gaul beyond the Alps, a useful diversion might be made in their favor. They therefore sounded the ambassadors through Umbrenus, a Roman freedman, who had been in their country, and was probably personally acquainted with them. The result was that the whole plot was disclosed to them, and they promised to aid it to the utmost of their power. But whether they intended treachery

[1] Plutarch says they were only two.

from the first, or were frightened at the idea of compromising themselves, or wished to curry favor with the Senate, they, after some little hesitation, revealed the secret to Q. Fabius Sanga, who was the patron of their nation at Rome, and he immediately communicated the information to Cicero. This he afterwards declared, in addressing the people from the Rostra, was nothing less than the finger of Providence. "For who could have expected the ambassadors of a restless and discontented people like the Gauls to resist the splendid offers made to them by patrician nobles, and prefer the safety of Rome to their own advantage?"

The advice he gave was that they should pretend to enter heartily into the plot, and entrap the conspirators by obtaining written evidence of their guilt. With this view they, at the next meeting, asked for papers which they might show to their countrymen at home, as credentials to vouch for the truth of the story they would have to tell. Letters were accordingly written, and, amongst them, two which bore the seals of Lentulus and Cethegus. Furnished with these, the ambassadors prepared to leave Rome. One of the conspirators named Vulturcius was to accompany them and introduce them to Catiline as they passed through Etruria. Cicero was kept informed by them of all that was going on, and he took his measures accordingly. The envoys were to set out on their journey at nightfall, and he directed two of the prætors to take a guard with them and post themselves in ambush, in two parties, at each end of the Milvian bridge (now the Ponte di Molo), about a couple of miles from the old city walls, across



TEMPLE OF CONCORD.

RESTORED BY CAV. CANINA.

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which the Allobroges would pass. When they came up to the spot the soldiers rushed forward, and, after a scuffle in which swords were drawn on both sides, made them prisoners. They were brought to Cicero's house just as the day was beginning to dawn, and the letters they carried were taken from them. The news of the event soon spread, and the consul's house was filled by an eager and anxious crowd of inquiring friends. They advised him to open the letters before bringing the matter before the Senate, lest if their contents turned out to be of no importance he might be censured for rashness in causing such a commotion without good grounds. He of course knew that there was no fear of this, and told them that in a case of public danger he would lay the matter as it stood before the public council. He immediately summoned a meeting of the Senate, and sent messengers to invite four of the principal conspirators — Gabinius, Statilius, Lentulus, and Cethegus — to come to his house. They came, little knowing that he held in his hands the damning proofs of their treason. At the same time, on a hint from the ambassadors, he directed the prætor Sulpicius to go to the house of Cethegus and search for arms, and a great quantity of swords and daggers were found there all ready for instant use.

The Senate had by this time met in the Temple of Concord, and were impatiently waiting for Cicero's arrival. He took with him the envoys and the four conspirators, and passed through the crowded streets attended by a strong guard of citizens. It is easy to imagine the procession as it approached the temple: — the consul with his lictors and their fasces

in the midst of the throng, his look elate, and his face flushed with the consciousness of coming victory; the uncouth Gauls in their barbarian attire; the guilty conspirators affecting unconcern, but weighed down by the fear of some terrible discovery. The temple was guarded by a body of armed knights, with Atticus at their head, and Cicero entered it accompanied by Lentulus and Cethegus who were senators, but the rest were left in custody outside. He unfolded the tale he had to tell, and Vulturcius was called in to be examined. By order of the Senate Cicero offered him a free pardon if he would tell the truth and discover all he knew, and after some little hesitation Vulturcius made a clean breast of it. He confessed that Lentulus had furnished him with a letter and instructions to Catiline, urging him to arm a body of slaves and approach the city, in order to cut off the fugitives while fire and slaughter were raging within the walls. The ambassadors were next brought in. They told the Senate that the conspirators had given them the letters and a written oath which was found upon them; that they were instructed to send a body of cavalry into Italy; that Lentulus had assured them it was written in the Sibylline books and foretold by augurs that he was to be king of Rome; and that there was a dispute as to the time when the city should be set on fire and the massacre begin.

A letter was then shown to Cethegus, with its seal unbroken and thread uncut. He acknowledged the seal to be his, and the letter was opened in his presence. In it he promised the Senate and people of the Allobroges that he would make good what he

had told the ambassadors, and entreated them to perform what those ambassadors had undertaken for them. Up to this time Cethegus had put on a bold front, and when asked to explain the discovery of arms in his house, had answered that he was fond of collecting choice weapons. The production of the letter, however, confounded him, and he sat silent.

Lentulus was next asked whether he recognized his seal. He said, Yes! It bore the likeness of his grandfather; and Cicero upbraided him for using it for such a purpose. Its dumb significance ought, he said, to have deterred him from so great a crime. The letter was to the same effect as that written by Cethegus; and he was told he was at liberty to speak in his own defence. At first he refused to say a word, but at last he rose and began to cross-examine the ambassadors and Vulturcius, pretending to be ignorant of the object of their visits to his house. Suddenly, and to the surprise of all, instead of denying what they alleged, he avowed it; and at that moment another letter was produced which Vulturcius declared had been given to him by Lentulus for Catiline. Lentulus admitted his seal and handwriting, but showed visible signs of consternation. The letter was short and guarded, without any signature. It urged Catiline to collect forces from all quarters, even of the lowest rabble. Gabinius was now brought in, and he too at first, like the others, denied his guilt, but ended by admitting it. Statilius also made a full confession; and they were all separately handed over to different persons, who became answerable for their safe custody. There was a difficulty about dealing with Lentulus, who, as

prætor, could hardly be held in arrest, but he relieved them of it by abdicating his office, and he was assigned to Lentulus Spinther, one of the ædiles and a relative, Cethegus to Q. Cornificius, Statilius to Julius Cæsar, and Gabinius to Crassus. Orders were also given for the arrest of five others; and Cicero mentions it as a proof of the clemency of the Senate, that it was content with the punishment of these nine men out of the numbers who were implicated in the wide-spread conspiracy. According to Sallust, Catulus and Piso tried hard to induce Cicero to suborn evidence to accuse Cæsar of being a party to the plot, but it is needless to say that he refused to lend himself to so foul a scheme. Sallust adds, that, as Cæsar left the temple, some of the knights approached him and threatened him with their swords. They were, however, prevented from attacking him; and Plutarch says that the consul threw his cloak round him and hurried him away.[1]

It was now late in the evening, and from the Temple of Concord he crossed over to the Rostra, which was only a few paces distant, and addressed

[1] An attempt was made to implicate Crassus in the conspiracy, but failed. A man named Tarquinius, who had been just apprehended on his way to join Catiline, was brought before the senate, and he declared that he had been sent by Crassus to tell Catiline not to be disheartened by the arrest of Lentulus and the rest, but to hasten to Rome and take measures to rescue them. But the senators refused to believe the tale, and with cries of indignation insisted that it was false. Sallust insinuates that some of them did believe it, but there were too many who were under private obligations to the wealthy noble. They resolved, however, on the motion of Cicero, that the information was false, and that Tarquinius should be imprisoned until he disclosed the name of the person who had suborned him to give the evidence. Sallust adds that he heard Crassus afterwards declare that the author of the calumny was Cicero himself — an accusation which we are at liberty entirely to disbelieve.

the people. He told them all that had been done; and fearing that he might be reproached for letting Catiline escape, took pains to show that if he had remained in Rome, things might have had a very different issue. Catiline would not have been such a fool as to fall into the trap which had been set for Lentulus, Cethegus, and the rest. He would never have set his seal to letters which contained such manifest evidence of his guilt. In what had happened they should recognize the hand of Jupiter Optimus Maximus, whose statue, by a singular coincidence, was erected in the Capitol on that very morning, while the conspirators were conducted through the Forum, and looking down upon the senate-house saw the whole machinations of the plot unravelled and disclosed. But while piously attributing his success to the guidance of heaven, Cicero did not forget himself. . And if ever pride or even vanity was justifiable, this was a moment in which it might fairly be allowed. He asked, however, from them no mark of honor, no reward, no monument to his glory, but the everlasting memory of that day. He wished all honors and rewards to be summed up in their simple gratitude. "In your memories, men of Rome," he exclaimed, "my fame will live; it will be the subject of your private talk; it will be perpetuated and endure in the annals of literature; and I feel that the same day, which I trust will never be forgotten, is consecrated to the safety of the city and the recollection of my consulship." He called on them to be his protection against the enemies his conduct had provoked, and dismissed them to their homes, as it was then already dark, with an admonition to worship

Jupiter, the guardian of Rome's safety and their own, and to relax nothing of the vigilance which they had hitherto displayed. It would be his care that this should not be long required, and that they should enjoy lasting tranquillity.

He then retired, escorted on his way by the cheering crowd to the house of a friend, for his own was occupied by women who, with Terentia and the vestal virgins, were celebrating the mysteries of the Bona Dea, of which I will speak more hereafter, and upon which no man might venture to intrude. Plutarch says, that soon afterwards Terentia came to him and informed him of a portent that had just happened. As the fire on the altar was dying out, a bright flame had suddenly leaped forth from the ashes, and the vestals declared it was a good omen to encourage him to execute what he had resolved for the good of his country. He adds that Terentia, "as she was otherwise in her own nature neither tenderhearted nor timorous, but a woman eager for distinction," excited her husband against the conspirators, as also did his brother Quintus, and Publius Nigidius, one of his intimate and most trusted friends.

Rewards were given to the Allobroges envoys and to Vulturcius, and in the Senate Catulus bestowed on Cicero the glorious appellation of "Father of his country." Lucius Gellius also declared his opinion that he was entitled to a civic crown.

A public thanksgiving to the gods was decreed for the services he had rendered "in preserving," so ran the resolution, "the city from conflagration — the citizens from massacre — Italy from war." An un

heard-of honor, which hitherto no civilian had enjoyed, it having been reserved exclusively for military success.

There were no reporters in ancient Rome, although stenography was well known; and while the accused were under examination, Cicero directed four of the senators to take down the questions and answers, and the statements of the informers. These he had copied by a number of hands, and distributed to the people. He also sent copies all over Italy, and to the distant provinces.

The next question was how to deal with the conspirators under arrest; and on the following day, the 5th of December, the Senate met to determine it. Cicero, as consul, brought the matter before them, and called on Silanus, one of the consuls elect for the following year, to speak first. Silanus gave it as his opinion that they should be put to death. Julius Cæsar then rose, and in a long speech declared that he would vote for any punishment short of death. He proposed that the conspirators should be distributed in dungeons amongst certain Italian towns, and there kept in close imprisonment for life; that those towns should be responsible for their safe custody under severe penalties; that their property should be confiscated; and that no one should be allowed to propose hereafter a remission of their sentence. Cicero seems to have risen next, and in a speech of consummate art, while affecting to hold the balance evenly between the two opinions, and summing up the arguments on both sides with almost judicial fairness, he took care to impress upon his hearers that no punishment was too great for the

crime, and to show that he as consul was quite ready to execute their sentence, whatever it might be.[1] For what might happen to himself he cared not: he believed that he was safe, and walled round, as it were, by the gratitude of his countrymen; but if he fell a victim to the attacks of his enemies, he commended his youthful son to their care, who would find not only safety but honor in their recollection that he was the child of the man who, with danger only to himself, had been the savior of them all. He called upon them to decide quickly and firmly. The question was one that concerned the safety of the Senate, of the Roman people, their wives and children, their altars and their hearths, their shrines and temples, the salvation of the city and of Italy, their freedom, their empire, in short, the whole commonwealth. They had in him a consul who would not shrink from obeying their decree, and who would defend it as long as his life lasted.[2]

A great number of senators followed, whose names are given by Cicero in one of his letters to Atticus at a later period, and they all inclined to the opinion of Cæsar, until Porcius Cato rose and gave a new turn to the debate. He spoke vehemently in favor of the capital punishment, and said that as the conspirators had confessed, they should be treated as men convicted of capital crimes, and suffer accordingly.

His speech decided the fate of the criminals. The

[1] Mr. Merivale (*History of the Romans under the Empire*, I. 137) says that "Cicero himself demanded a sentence of death." But this is incorrect. The utmost that can be made of his speech is to say that it showed no disinclination to the capital sentence.

[2] Sallust makes no mention of Cicero's speech. He hated him, and endeavored to detract as much as possible from his fame.

Senate voted for death. This sentence seems to have embraced only five of the conspirators, Lentulus, Cethegus, Gabinius, and Statilius, whose letters had been found on the Allobroges ambassadors, and also Cæparius. Cicero, as chief magistrate, lost not a moment in putting it into execution.

On the left hand facing the Forum, at the north-east extremity or corner, and on the southern face of the Capitol, are two subterranean chambers or vaults, one below the other, into which the visitor now descends by stone stairs. This is the Mamertine Prison. It was and still is a terrible place. Anciently there were no steps leading down to the lower dungeon, but the unhappy victims were let down into it through a hole in the roof, which still exists. It is difficult at first sight to make out whether these dungeons are cut out of the solid rock, or built of enormous blocks of stone in the style of Etruscan architecture. At all events there is no doubt that they are an Etruscan work; and they are generally attributed to Ancus Martius. But others think that Servius Tullius ought to have the credit of being the builder or rather digger of this horrible jail. Probably it was commenced by the first-named king, and finished or enlarged by the second, from whom it took the name of *Tullianum*, for it was not called the Mamertine until the middle ages, and for what reason it is difficult to say. It was in the lowest of the two dungeons that Jugurtha the Numidian king was starved to death. On being let down into its gloomy depth he cried out, either in madness or in irony, "How cold, Romans, is this bath of yours!" The small church of S. Giuseppe dei Falegnami

stands above it, on the ground which in the lapse of ages has been heaped up against the declivity of the hill. But formerly stairs called Gæmoniæ used to lead up to the mouth of the prison, from which criminals were thrown and killed.[1]

The house in which Lentulus was confined stood on the Palatine hill, opposite to the Temple of Concord, and thither Cicero went (Plutarch says with the Senate) attended by a guard. He took him from the custody of his relative Lentulus Spinther, and returned along the Via Sacra through the crowded Forum nearly to the foot of the Capitol, when turning off to the right he crossed over to the Mamertine prison, and there delivered him to the jailer. The other four condemned conspirators were brought by the prætors to the same place,[2] and all were strangled in the gloomy vaults. Cicero waited until the executions were over, and then turning to the multitude who stood in awe-struck silence below, he announced the doom of the traitors by crying out in a loud voice "*Vixerunt!*" "for so," says Plutarch, "the Romans, to avoid inauspicious language, name those that are dead."

He descended into the Forum, and returned to his own house. The people thronged round him with acclaiming shouts, and it was perhaps then that Cato,

[1] According to Roman Catholic tradition, St. Peter was confined in the lower dungeon in the reign of Nero. The story is that the apostle here converted the jailer and several of his fellow-prisoners, and that in order to obtain water to baptize them he created a miraculous spring in the floor of the vault. Whatever may be thought of the legend, the spring — and its water is delicious — still exists.

[2] Plutarch says that each of the conspirators was brought separately by Cicero to the prison, but this is not very likely; and another account assigns that duty to the prætors, as stated in the text.

as we are told by Appian, hailed him father of his country. "A bright light," says Plutarch, "shone through the streets from the lamps and torches set up at the doors, and the women showed lights from the tops of the houses in honor of Cicero, and to behold him returning with a splendid train of the principal citizens."

He always looked back to this as the proudest moment of his life, and yet it was the beginning of infinite sorrow and trouble to him, for, as we shall see, his exile from Rome and the ruin of his fortunes may be distinctly traced to his conduct on this day. He had put to death Roman citizens without a trial; and this was the accusation which was henceforth to be the watchword of his enemies, and to overshadow the rest of his life.

It cannot, I think, be doubted that the Senate in decreeing instant death as the punishment of the conspirators made a great mistake. When the National Convention of France, in 1793, voted for the death of Louis XVI., he had already been tried and convicted (however infamous the trial was), and the only question left was the nature of the sentence. Lentulus and his associates had not been tried at all. The Senate was not a judicial tribunal, and had no power given it by the constitution to inflict the penalty of death. This was the sole prerogative of the sovereign people, and was expressly provided for by law.

I cannot, therefore, understand how Niebuhr is justified in saying, as he does, "There is no question that the conspirators were lost according to the Roman law, and the only thing required to make their

execution legal was to prove the identity of their signatures."[1] It is true, indeed, that the consuls had been invested with supreme authority, — and, perhaps, this gave them the absolute power of life and death, — but we must remember that by referring the question to the Senate, they in fact abdicated the power, and threw upon that body the responsibility of the decision.[2]

Let us now turn to Catiline. On quitting the city he joined Manlius in Etruria, and when he heard of the arrest and execution of the conspirators in Rome he prepared to march with his rebel forces, not less than twenty thousand strong, into Gaul, crossing the Apennines by the pass of Fæsulæ. But Q. Metellus Celer, who was one of the prætors this year, lay with a considerable force in the Picenian territory, not far from Rimini, and crossing rapidly to Fæsulæ, he took possession of the heights with his legions, so as to bar the passage in that direction. The command of the army that was to advance from Rome against Catiline had been intrusted to Antonius, while Cicero remained in the city. He marched into Etruria on the track of the conspirators, and Catiline was thus placed between two fires. Metellus closed the avenue of escape to the north by Fæsulæ, and Antonius was coming up from the south. On his right lay the Apennines

1 Hist. of Rome, V. 25.

2 Mommsen, who depreciates Cicero in every possible way, and hardly ever speaks of him except in a tone of contempt, says (*Gesch. Rom.* Bk. V. chap. 5), "the humorous feature, which is seldom wanting in an historical tragedy, was that this act of the most brutal tyranny should be consummated by the least self-possessed and most timid of all Roman statesmen, and that 'the first democratic consul' was raised to that post to destroy the palladium of old Roman freedom — the right of appeal to the people"

and in that direction, towards the east, there could be no hope of safety. He therefore turned to the left, and marching along the north side of the broad valley of the Arno, made for Pistoria (the modern Pistoia), intending to force his way to the west across the Apennines, whose wooded ranges rise above the town, and so escape with his companions into Gaul. But the Roman legions came up with the rebels at the foot of the ascent, close to Pistoria, and he was compelled to stand at bay. Antonius, who no doubt did not like the idea of destroying the man who had been formerly his friend, and was his colleague in the contest for the consulship, had just then a convenient fit of the gout, and gave up the command to his lieutenant Petreius, a brave and veteran officer. A desperate struggle ensued, in which Catiline and his followers fought like lions, but were defeated with terrible slaughter on both sides. When Catiline saw that the day was lost, he rushed into the thickest of the enemy, and fell covered with wounds. His body was afterwards found far ahead of his own soldiers in the midst of a heap of slain. He still breathed, and his countenance wore in his dying moments the same stern and fierce expression which was habitual to him. He was probably buried where he lay; at all events no man knoweth the tomb of Catiline to this day.[1]

It is a striking proof of the elastic energy of Cicero's mind that, at the very moment of the explosion of the conspiracy, and in the midst of the most awful danger, he was able to deliver in de-

1 When I was at Pistoia I saw a street there which bears the name of *Tomba di Catilina.*

fence of one of his friends a speech distinguished chiefly by its light wit and good-humored raillery. I allude to his speech *pro Murenâ*, the tone of which Niebuhr tries to explain by a curious and rather fanciful theory. He says:[1] "It is very pleasing to read Cicero's oration for Murena, and to see the quiet inward satisfaction after his consulship in which he was happy for a time. This speech has never yet been fully understood, and no one has recognized in it the happy state of mind which Cicero enjoyed at the time. If a man has taken a part in the great events of the world, he looks upon things which are little as very little; and he cannot conceive that people to whom their little is their All and their Everything should feel offended at a natural expression of his sentiments. I have myself experienced this during the great commotions which I have witnessed. Thus it has happened that the sentiments expressed in the speech for Murena have for centuries been looked upon as trifling, and even at the present day they are not understood. The stoic philosophy and the jurisprudence, of which Cicero speaks so highly on other occasions, are here treated of as ridiculous; but all this is only the innocent expression of his cheerful state of mind." But the historian forgot that the speech was delivered before the end of Cicero's consulship, and in the very crisis of the conspiracy. Catiline had just quitted Rome, and his associates were, as Cicero well knew, left behind in the city to carry out their infamous scheme.[2]

The circumstances of the case were these. Lucius

[1] Hist. of Rome, V. 29.

[2] See *pro Murenâ*, c. 37.

Murena and Decimus Silanus had this year, after a severe contest, been elected consuls for the ensuing year. One of the competitors was Servius Sulpicius, the well-known lawyer, who immediately after his defeat accused Murena of having employed bribery and corruption to carry his election. This had been made illegal by the Calpurnian law, which punished the offence by disqualifying for public office the party who was guilty of it; but during this very year Cicero was, as we have seen, himself the author of a law which inflicted the additional punishment of exile for ten years. The prosecution was conducted by Servius Sulpicius, assisted by three *subscriptores*, as they were called, who "were with him in the case," — M. Cato, Cn. Postumius, and a son of Sulpicius. On the other side for the defence were Hortensius, Crassus, and Cicero, three of the most brilliant advocates of Rome.

We must call to mind the circumstances of the time, and the position and character of the parties at the trial, in order to appreciate the admirable speech which Cicero delivered on this occasion. The copy which we possess is, unfortunately, imperfect, but enough has been left to justify the praise of Manutius, who calls it *jucunda in primis oratio.*

The trial took place early in December, and in the following month the new consuls would enter upon their office. Sulpicius, the defeated candidate, was a lawyer; Murena, the successful one, a soldier; Cato, who took part in the prosecution, had recently been elected one of the tribunes of the commons, and he was a follower of the cold and stern philosophy of the Stoics. Cicero spoke last, after the

charge against his client had been investigated and repelled by Hortensius and Crassus, and the following is a brief outline of his argument.

The plan of attack had been, first, to throw aspersions upon Murena's character; next, to contrast his claims to the honor of the consulship with those of his opponent; and, lastly, to establish the charges of bribery. Cicero, therefore, followed the same order, and, in a brief review of his client's life, showed that he had honorably won laurels in the campaign against Mithridates, and contributed some spoils of the enemy to his own father's triumph. But Cato pretended that he was corrupted by the effeminate manners of the East, and said that Murena was "a dancer!" — "Nay, but, Cato," said Cicero, "a man of your authority ought not to pick up names in the street, nor use the scurrilous language of buffoons. You ought not lightly to call the consul of the Roman people a dancer; but consider what other faults such a character must have, to whom that epithet can be justly applied." Adverting to the personal qualifications of the two candidates, he playfully rallied Sulpicius upon his profession as a lawyer, and contrasted its obscure drudgery with the dashing exploits of Murena as lieutenant of Lucullus in Asia Minor. He seized the opportunity of pointing out the superiority of eloquence over case-law, and showed how often legal opinions and decisions are upset by a clever speech from an advocate; adding, with affected modesty, "I would say less in its praise if I were a proficient in the art: as it is, I speak not of myself, but of those who are or have been eminent orators." He

then alluded to other reasons which accounted for the greater popularity of his client, his good fortune in having obtained as prætor the office of administering civil justice; whereas his rival had to discharge the odious duty of conducting criminal inquiries against those who embezzled the public money. Besides this, Sulpicius seems to have made up his mind from the first that he must be defeated in the contest, and while engaged in his canvass to have determined upon the prosecution of his competitor.

"But this is not the way," cried Cicero, "to succeed I like a candidate for office — especially such an office as the consulship — to go forth to the Forum and the Campus Martius full of hope, and spirit, and resources. I disapprove of the getting up of a case against an opponent — the sure herald of defeat. I like not solicitude about evidence rather than about votes; threats rather than flattery; virtuous indignation rather than courteous salutations; especially since the fashion now is for the electors generally to call upon the candidates at their houses and judge by the countenance of each how far he feels confident, and what are his chances of success. 'Do you see,' says one, 'him there with the downcast and gloomy look? He is dispirited; he has lost all heart and thrown up the cards.' Then this rumor begins to be whispered about: — 'Are you aware that so and so meditates a prosecution, is getting up a case, and looking out for evidence against his rivals? I'll vote for some one else, since he shows the white feather, and despairs of success.' The most intimate friends of candidates of this kind are disheartened and lose all zeal, and either abandon a cause which seems as good as lost, or reserve their support and interest for the subsequent trial which is to take place."

In dealing with the speech of Cato he artfully warned the court against the danger of being overawed by that illustrious name, and quoted examples

to show that in former times the overweening power of the accusers had proved the safety of the accused. He next attacked the Stoic philosophy, upon which he threw the blame of Cato's severity; and this is, perhaps, the cleverest part of the speech. In some portions we might almost fancy we were reading the defence, amongst ourselves, of a member of parliament, whose seat was contested before an election committee of the House of Commons, on a petition containing allegations of bribery and treating.

Cato, as a disciple of that rigid school which held all offences to be equally criminal, and regarded the man who unnecessarily twisted a cock's neck as equally guilty with one who strangled his own father, had professed to be shocked at the idea that Murena had employed solicitation and the usual electioneering arts in his canvass. Crowds had gone out to meet him on his return to Rome, while he was a candidate for the consulship.

"Well," said Cicero, "there was nothing extraordinary in this. The wonder would have been if they had stayed away. 'But a band of partisans followed him in procession through the streets.' What then? Prove that they were bribed to do it, and I admit that it was an offence. Without this, what have you to find fault with? 'What need is there,' he asks, 'of processions'? Do you ask me what need there is of that which has always been a custom amongst us? The lower classes have only this one opportunity of our election contests for earning gratitude or conferring obligation. Do not, therefore, deprive them, Cato, of the power to do us this service. Allow those who hope for everything from us to have something which they can give us in return. They cannot plead for us in the courts, or give bail for us, or invite us to their houses. All this they ask at our hands; and they think that these benefits cannot be repaid by them in any other way than by displaying their zeal as partisans. 'But shows were publicly exhibited, and

dinner-invitations were promiscuously given.' Now although in fact this was not done by Murena at all, but only by his friends according to usual custom, yet I cannot help recollecting how many votes we lost owing to inquiries which these things occasioned in the senate.

"Cato, however, joins issue with me like a stern and Stoic philosopher. He denies the proposition that it is right that good-will should be conciliated by good dinners. He denies that in the choice of magistrates the judgment should be seduced by pleasure. Therefore, if any candidate, with a view to his return, invites an elector to supper, he shall be condemned as a violator of the law. 'Would you, forsooth,' says he, 'aim at power and office, and aspire to guide the helm of the state by fostering the sensual appetites of men, and corrupting their minds? Are you asking for some vicious indulgence from a band of effeminate youths, or the empire of the world from the Roman people?' This is a solemn way of putting it indeed, but such language is opposed to our habits and customs, and to the very constitution itself."

As he approached the close of his oration, Cicero adopted a more serious tone. He eloquently described the dangers which threatened the commonwealth from the attacks of Catiline, and appealed to the compassion of the jury to save his client from the ruin with which an adverse verdict would overwhelm him. Murena was acquitted, and Cato goodhumoredly remarked, "See what a witty consul we have!"[1]

Besides the law affixing new penalties to bribery, of which he was the author, Cicero got another measure passed this year which was directed against the abuse of what were called *liberæ legationes*. When a senator wished to travel in Italy or the

[1] Cicero says (*de Fin.* IV. 27) that he had laughed at the Stoic philosophy in his speech *pro Murenâ*, as he was then addressing the vulgar, and wished to amuse the crowd. "Apud imperitos tum illa dicta sunt: aliquid etiam coronæ datum."

provinces on private business, he used to apply for, and generally obtain from the senate, a commission which entitled him to assume the privileges of an ambassador. The name given to this was *libera legatio*, and it was burdensome and oppressive to the inhabitants of the towns through which he passed, or in which he stayed; for he could claim at their expense provender for his horses and entertainment for himself and his retinue. And the period seems to have been of indefinite duration, for the reform introduced by Cicero merely limited it to a single year.

The end of his consulship had arrived, and on the last day, the 31st of December, he intended, according to the usual custom, to address the people from the Rostra on laying down his office. But he had soon a foretaste of the troubles that awaited him. One of the newly elected tribunes, Q. Cæcilius Metellus Nepos, who had entered upon office on the 10th of December, interposed his veto, on the ground that a man who had condemned Roman citizens to death without a trial, or allowing them to speak in their own defence, ought not to be allowed himself to speak to the people. Cicero says that no such insult was ever offered to a magistrate before. According to Plutarch, Metellus acted in concert with Julius Cæsar, who had just been elected one of the prætors, with Cicero's brother Quintus as his colleague. But he turned the interruption to good account. No harangue that he could have delivered would have served his purpose better than the few simple words he uttered when forbidden by the tribune to speak. Taking advantage of the moment when the usual

oath at the close of a magisterial office was administered to him, he raised his voice, and in a tone loud enough to be heard by the multitude, he swore that in his consulship he had saved the Republic from destruction. The people, with applauding shouts, cried out, "You have spoken true!"[1] It was a noble tribute of spontaneous gratitude to the retiring consul, and one to which, in after-life, he often referred with feelings of pardonable exultation.

[1] Dio Cassius, XXXVII. 38, says that the people would not suffer Cicero to make a speech. This is simply false, and need be mentioned only as one instance out of many of Dio's malignant attempts to injure his memory.

CHAPTER IX.

VIR CONSULARIS.

Æt. 45. B. C. 62.

Cicero was now a Consular — *Vir Consularis.* He had filled the highest dignity which it was in the power of the Republic to bestow, and henceforth he must live in Rome as a private senator. He was indeed entitled to the government of a province, but this, as we have seen, he had at the outset of his consulship declared he would not accept. He resigned Macedonia to his colleague Antonius, who proved to be a most oppressive and extortionate governor, and he contrived to get the other province of Cisalpine Gaul, which had fallen to the lot of Antonius, handed over to Metellus Celer, who, as prætor, did good service against Catiline, by preventing his escape in the direction of Fæsulæ.

This Metellus was the brother of Metellus Nepos the tribune, who had interposed to prevent Cicero from addressing the people on laying down his consulship. Nepos had quitted Pompey in Asia Minor, where he was serving under that general and devoted to his interests, in order to hurry to Rome and become a candidate for the tribuneship. He was elected, but the senatorial or conservative party exerted itself successfully to get Marcus Porcius Cato chosen as

his colleague for the purpose of counteracting any mischief he might have in view, and the two were installed in office as wild and tame elephants are yoked together in the East. The tribune made no secret of his hostility to Cicero, who, anxious to keep on good terms with him both for the sake of his own safety and out of regard for Nepos's brother Metellus Celer, tried to get Claudia, Celer's wife, and Mucia, who was Pompey's wife and sister of the two Metelli, to persuade him to behave more amicably, and give up the design of attacking him. But this was in vain. Before he interfered on the last day of the year to prevent Cicero from addressing the people, he had at a public meeting declared his intention to do so, and he lost no opportunity of flinging the charge against Cicero that he had violated the constitution by condemning Roman citizens to death without a trial. The point he made was, that the man who had punished others without allowing them to speak ought not to be permitted to speak himself. "Thus," says Cicero in one of his letters, "putting on a par and deeming worthy of the same sentence of punishment those whom the Senate had condemned as guilty of a conspiracy to burn down the city, put the senators and magistrates to the sword, and light up the flames of civil war, and the man who had prevented the senate-house being turned into a shambles, — who had saved Rome from conflagration and Italy from war."

On the first of January of the new year (B. C. 62), Cicero rose in the Senate and made a speech directed against Metellus, letting him know that he was on his guard and would not allow himself to be attacked

with impunity. Two days afterwards Metellus spoke, and openly threatened Cicero, addressing him by name, and making use of very violent language. This called up Cicero, who delivered a speech full of biting invective and sarcasm, which seems to have produced considerable effect. It is unfortunately lost, but it is that *Oratio Metellina* to which he refers in one of his letters to Atticus, where he says that he will send him a copy of it with some additions.

Metellus Celer, who was then governor of Cisalpine Gaul, heard of this, or most probably read a copy of the speech, and he wrote to Cicero to complain of the attack he had made upon his brother, declaring that, although he commanded a province, was at the head of an army, and had the conduct of a campaign, he felt grieved and humiliated. The reply of Cicero to this letter is a masterpiece of composition, and a model of what such an answer should be to an irritated friend.

The tribune's next move was made no doubt in concert with Pompey, with whom he kept up intelligence; and it was perhaps the chief object he had in view when he returned to Rome and stood for the tribuneship. He brought forward a bill in the Senate enacting that Pompey should be recalled from Asia Minor at the head of his army, in order to restore the violated constitution. This effected a double purpose. It gratified Pompey and aimed a blow at Cicero, for by violation of the constitution Metellus meant the measures taken by him in his consulship. It is not certain whether Cicero spoke on this occasion, but the probability is that he did

not, for he nowhere alludes to such a speech, and seems rather to imply the contrary.

The Senate, however, was strongly opposed to the bill. Cato spoke against it, and a sharp altercation took place between the two tribunes. The bill was rejected in the Senate; but Metellus, insisting on his right as tribune to bring it before the people without the preliminary sanction (*Senatus auctoritas*), convoked a meeting for the purpose. He relied not only on the influence of Pompey's name, but also on the support of Cæsar, who was then prætor, and who, strange to say, was in favor of a measure the immediate effect of which, if carried, would be to make Pompey dictator and master of Rome.

On the morning of the appointed day Metellus filled the Forum with his supporters, and blocked up the avenue with an armed rabble to prevent the opponents of his bill from interfering. Cato, however, accompanied by another tribune, Minucius Thermus, and a few friends, with difficulty made his way to the tribune's seat, which he found occupied by Metellus and Cæsar, who thus openly abetted Metellus in his violence. Cato forced himself between them, and when the clerk or officer put the usual question to the meeting whether they accepted or rejected the bill, he interposed his veto and forbade the matter to proceed further. But Metellus was determined not to be thus baffled. He took the bill out of the hands of the officer and began to read it aloud; but Cato snatched it away from him, and when he began to repeat it from memory, Thermus put his hand over his mouth to prevent him. During this indecent scene the crowd below had re-

mained quiet and no doubt astonished, but on a signal from Metellus, his hangers-on made an attack upon the opposite party, who, notwithstanding the precautions taken to exclude them, had forced their way into the Forum, and the wildest uproar immediately ensued. The Senate was at the moment sitting in the neighboring Temple of Concord, and to quell the riot they hastily invested the consuls with summary authority by the usual formula, *Videant Consules ne quid detrimenti Respublica capiat*, which gave them for the moment despotic and absolute power, and had the same kind of effect that a proclamation of martial law would have with us. Murena, one of the consuls, took instantly a body of soldiers to the Forum and restored order, arriving just in time to rescue Cato and Thermus from the hands of the mob. Metellus made another effort to get his bill carried at the same meeting, but the opposition was too strong, and he and Cæsar withdrew from the place.

He lost no opportunity, however, of denouncing Cicero to the populace, and harped constantly on the string that he had condemned Roman citizens to death without a trial.

At last he quitted Rome and went back to Pompey, pretending that he required his protection, and that the sacred office of tribune could not shield him from the attacks of his enemies. And I am much mistaken if we do not find in the facts that have just been related a key to the explanation of much of Pompey's conduct when he returned to Rome.

It has been already mentioned that he was by the Gabinian law (Lex Gabinia) invested with the com-

mand of the army of the East, with full power to carry on the war against Mithridates, and that he conducted it with brilliant success. The last decisive battle was fought during Cicero's consulship, and Pompey sent an account of his victories to the Senate in a public despatch, which was most probably encircled with laurel leaves (*literæ laureatæ*), according to the Roman custom. At the same time he wrote to Cicero, but in a formal and indifferent tone; at all events Cicero thought so. Possibly Pompey was too much occupied with his own achievements to pay much attention to what was passing at Rome. Cicero, however, felt hurt, and in his letter in reply did not scruple to say so, alluding to his own services to the State in a way which, according to modern notions, would be thought to be in rather bad taste.[1] He told Pompey that he had expected from him a more explicit acknowledgment of them, and said he wrote openly on the subject as his own natural disposition and their common friendship required. He hinted that the warmth of his own regard was not reciprocated, and expressed a hope and belief that their friendship would be like that which existed between Scipio Africanus, to whom he says Pompey was far superior, and Lælius, to whom he himself was not much inferior. Pompey was ungenerous enough to take offence at this letter. He was inflated with the success of his arms, and thought it almost an insult that Cicero should speak of his own civic glory in the same

[1] It must, however, be remembered that an acknowledgment of his services from a man in Pompey's position would have been invaluable to Cicero, and he had a right to expect it.

breath that he mentioned the exploits of the conqueror of Mithridates.

We now turn to matters of more private interest. When Sylla's proscription had driven numbers of families from Rome, and silence and desolation reigned in their former abodes, Crassus had become the purchaser, or at all events the possessor, of many of the houses that were hastily abandoned by their former inmates. One of these was a noble residence on the Palatine hill, overlooking the Forum, which had been originally built by the tribune M. Livius Drusus, who was assassinated B. C. 91. It joined a portico which had been erected by Q. Catulus out of the spoils taken from the Cimbri in that decisive battle when he and Marius destroyed their army, and it occupied the site of a house which had belonged to M. Flaccus, put to death by order of the Senate for sedition, and which had been razed to the ground.[1] Cicero now bought this house from Crassus for the sum of three and a half millions of sesterces (about 30,000*l.*), and he was obliged to borrow money at interest to pay for his purchase. He says jokingly in one of his letters that he was so much in debt that he was ready to become a conspirator if he could be taken into a plot, but he found he was too much distrusted to be admitted an accomplice. Niebuhr thought that he had discovered the site of

1 The architect told Drusus that he would build the house so that no one should overlook him and see what he was doing. "Nay," he replied, "if you have skill enough, build it so that all the world may see what I am doing. — Vell. Pater. II. 14. Lepidus, who was consul in the year of Sylla's death, erected the most splendid mansion that had up to that time been seen in Rome; but within thirty-five years afterwards it was eclipsed by the superior grandeur of at least an hundred dwellings. Plin. *Hist. Nat.* XXXV. 24.

Cicero's house on the Palatine, "that is to say," he observes, "I know the place within about fifty feet where the house must have stood, and I have often visited the spot." [1] The vast ruins which astonish the gaze of the traveller on the southeast side of the Palatine belong to a later period. They are the gigantic substructions of Nero's golden palace, a wilderness of masonry, in which it is impossible to trace the chambers or decipher the plan.

> Cypress and ivy, weed and wallflower grown
> Matted and massed together, hillocks heaped
> On what were chambers, arch crushed, column strown
> In fragments, choked-up vaults, and frescoes steeped
> In subterraneous damps, where the owl peep'd,
> Deeming it midnight: Temples, baths, or halls?
> Pronounce who can.[2]

A scandalous report about this time disturbed Cicero's equanimity. His former colleague Antonius had, as we have seen, got as his provincial government Macedonia, and he continued there the malpractices which had formerly made him infamous when, as prætorian governor of Achaia, he had been guilty of oppression and extortion. On the present occasion a trial was impending over him for his conduct in Macedonia, and it was expected that Cicero would defend him. But it appears that Antonius had implicated Cicero in the matter, and while plundering the province had given out that he was to have a share of the spoil. Nay, more, he had declared that a freedman of Cicero, named Hilarus, who was in the employ of Antonius, and a great rascal, had been sent by Cicero into Macedo-

[1] Hist. of Rome, V. 41.

[2] Childe Haro'd, canto 4.

nia to take care of the money to be squeezed out of the province. This rumor naturally caused much annoyance to Cicero, and we find him complaining of it in a letter to Atticus in terms of indignation. I do not believe that any such corrupt bargain existed between them. It is utterly inconsistent with Cicero's whole character, and ought not to be believed without strong proof, of which there is none. The tone in which he speaks of the rumor to Atticus shows that he was innocent, and I do not doubt that if it was true he would have said so in confidence to his intimate friend, from whom he really seems to have concealed nothing. Besides, he alludes to it in a letter to Antonius himself, in a way inconsistent with the idea of guilt.[1] But at the same time I agree with Wieland and Abeken that there is evidence, although obscure, of the existence of some pecuniary transaction between Antonius and Cicero, and that Antonius owed him money, which he was very dilatory in paying.[2] As to the origin and nature of this debt we know nothing whatever, and it is both unfair and uncharitable to attribute it to so corrupt a cause as a bargain for a share in the plunder of a province which he had voluntarily resigned to Antonius. It must, however, be admitted that his conduct was inconsistent with regard to this man. An impeachment was hanging over his head, and, in a letter to Sextius, Cicero says that he had defended him in the Senate, *gravissime ac diligentissime*, although everybody felt

[1] Ad Div. V. 5.

[2] Ad Att. I. 12. This depends upon the assumption that the name *Teucris*, which occurs in several of Cicero's letters to Atticus, means Antonius. I believe that it does.

that Antonius had not behaved towards him as he ought. But, writing to Atticus, he told him that he was informed that Pompey was determined on his return to Rome to get Antonius superseded in his government, and he declared that the case was so bad that he could not in honor nor without loss of credit defend him. Moreover, he said he had no inclination to do so, on account of the calumnious rumors he had set afloat respecting himself.[1]

Although Catiline and most of his accomplices were dead, the ramifications of the wide-spread conspiracy still remained to be disclosed. Cæsar himself was not free from the suspicion of having been privy to the plot. Lucius Vettius accused him before the quæstor Novius Niger, and Q. Curius impeached him in the Senate, claiming the reward which had been offered to the first discoverer of the conspiracy. Vettius avowed himself ready to produce the most damning evidence of his guilt, — a letter written to Catiline by his own hand, — and Curius declared that his information was derived from Catiline himself. Whether Cæsar was guilty or not cannot now be either affirmed or denied with certainty, at all events he was too crafty or too powerful to be caught. He appealed to Cicero in the Senate, and proved from his lips that he had himself at an early period volunteered to give information about the conspiracy. This was no doubt a strong presumptive proof of innocence, and so completely turned the tables upon

[1] Ad Att. I. 12. If the letter to Sextius was written after the one to Atticus, quoted in the text, that is if Cicero, notwithstanding what he said to Atticus, did after all defend Antonius, the case would be much worse. I have followed the order in which Schutz and Abeken place the correspondence.

Curius that he was held not to be entitled to the reward he claimed as the first informer about the plot. As to Vettius, he was almost torn to pieces by the mob while addressing them in the Forum, and Cæsar had him thrown into prison. He also got the quæstor imprisoned for allowing a superior magistrate (Cæsar was then prætor) to be summoned before him.

Several others of high rank were however found guilty and banished. Amongst them was Autronius. He had been Cicero's schoolfellow and friend in boyhood; his colleague in the quæstorship; and he now came to him, and over and over again with tears besought him to defend him; but Cicero refused, and appeared as a witness against him.[1]

Next came on the trial of P. Sulla. The accusation against him was that he had been implicated in two separate conspiracies with Catiline. Against the first of these charges he was defended by Hortensius, and against the other by Cicero. The prosecutor was Lucius Torquatus. He twitted Cicero with inconsistency in appearing as the advocate of a man who was accused of taking part in the conspiracy which *he* had crushed with such severity; of defending Sulla, and giving evidence against Autronius, who was one of the conspirators. But the answer was easy. Autronius he said was guilty, and Sulla was innocent. Cicero admitted that there were some crimes, such as that of treason, or, as he called it, parricide against one's country, of which a man might be so notoriously guilty that no advocate

[1] Two years afterwards, during the consulship of Julius Cæsar and Bibulus (B. C. 59), Autronius was put upon his trial, and Cicero did then defend him, but without success.

would be bound or ought to defend him. But he denied that there was a tittle of evidence affecting Sulla. Apparently all that Torquatus relied upon was a statement by the Allobroges ambassadors that they had asked Cassius, when he was trying to engage them in the plot, what Sulla thought of it, and he answered, "I don't know." Torquatus argued that this was a proof of guilt, for Cassius did not exculpate him! Of course Cicero had no difficulty in dealing with logic like this. He said that the question in a criminal trial was not whether the accused was exculpated, but whether the charge was proved. He showed also that during the progress of the conspiracy Sulla was not at Rome but at Naples, thus establishing what we should call an *alibi*; and he declared that during his consulship he had never discovered, nor suspected, nor heard anything that compromised or affected him.

In the course of his speech he defended himself against a personal attack of Torquatus, who had the hardihood to charge him with having falsified the public records and altered the evidence given in the Senate by the informers. It shows how low was the tone of morality at Rome when so monstrous an accusation was possible; and the surprising thing is that Cicero does not seem to have manifested anything like the indignation at the charge which we should have expected. I need not say that he triumphantly vindicated himself, although one would have thought that no vindication was required.

The rest of the speech consisted chiefly in an appeal to the past life of his client as evidence of his innocence. Surely he had had misfortune enough in

having the consulship to which he had been elected torn from him, when all his hopes were dashed to the ground, and his joy was changed to mourning and tears. But his own sorrow at the thought of Sulla's misfortunes he declared overpowered him, and he would say no more. He left therefore the case in the hands of the jury, with an earnest hope that they would, like him, show compassion on innocence as they had shown severity towards guilt, and by their verdict that day relieve both himself and them from the false charge of cruelty.

CHAPTER X.

MYSTERIES OF THE BONA DEA, AND TRIAL OF CLODIUS.

ÆT. 44–45. B. C. 62–61.

GREAT as had been Cicero's popularity, and glorious his triumph over the enemies of the state, it was not to be expected that such measures could be taken, and such a conspiracy be crushed, without creating bitter enemies against himself. The ramifications of the plot were so extensive, and the social and moral condition of Rome was so corrupt, that numbers of the young men connected with the aristocracy, against whom there was no positive proof, were accomplices in the design; or, if not, were at all events disappointed that Catiline had failed. And of course they looked upon Cicero as the sole cause of his failure, and hated him accordingly. But it was not from disappointed conspirators or jealous rivals that the storm which shattered his fortunes arose. The blow came from a different and unexpected quarter, and it was on this wise it happened.

Amongst the numerous rites and solemn festivals of religion at Rome, there was one of a peculiarly sacred and mysterious character in which women alone took part, and which had never been profaned by the eye of the other sex. This was the service in honor of the Bona Dea — the goddess who gave

fruitfulness in marriage — which was celebrated on the first of May, at the house of the first consul or the first prætor, and at which prayers were offered up for the safety of the whole Roman people (*pro salute populi Romani*). No lodge of freemasons ever excluded the presence of women more carefully from its ceremonies than the votaries of the Bona Dea excluded the presence of men. Not even a sign or token of their existence was allowed to be seen. Statues were covered up, and pictures were veiled which exhibited the form of the male sex; and it was sacrilege of the worst kind in a man to venture to cross the threshold while the rites were going on.

We may imagine therefore the consternation of the Roman citizens in the beginning of May, B. C. 62, when the rumor ran like lightning through the streets that a man had been discovered disguised as a woman in the house of Cæsar the prætor, during the celebration there of the mysteries of the Bona Dea. It was too true. One of the most profligate young patricians of that profligate age, Publius Clodius Pulcher, had introduced himself dressed in woman's clothes into the house at night, and had dared to profane the sacred ceremonies by his presence. He contrived to escape by the help of a maid-servant from the infuriated matrons,[1] and as his face was muffled up he hoped that his identity would not be known.

Scandal declared that his object was to carry on an intrigue with Pompeia, Cæsar's wife, but this is

[1] According to one account Aurelia, the mother of Cæsar, permitted him to escape. *Aurelia pro testimonio dixit suo jussu eum esse dimissum.* Schol. Bobiens. *in Orat. in Clod.* If so, it was probably with a view to hush the matter up and prevent scandal.

almost incredible. No time or place can be conceived less favorable for such a purpose, and Clodius must have been mad to choose the mysteries of the Bona Dea as an opportunity for a love-affair. No doubt he sought only to gratify a prurient curiosity, and his past life and character were in unison with the exploit. He had already seduced his own sister Clodia;[1] his intrigue with Mucia, Pompey's wife, was the cause of her divorce from her husband; and he was notorious for every kind of debauchery and vice. Graceful in person, eloquent in speech, and nearly related to many of the first families in Rome, he had already made himself infamous by his immoralities. He was a younger son of Appius Claudius, and a direct descendant of that Appius Claudius the decemvir, who gained such a bad notoriety in the case of Virginia, whose father stabbed her to death in the Forum to save her from dishonor. His elder brother, whom Niebuhr calls "a good-natured but superstitious and little-minded person," had obtained the highest honors in the Republic; and he had three sisters, one, the infamous Clodia or Quadrantaria,[2] that is, "Halfpenny," as she was nicknamed, married to Metellus Celer, another to Marcus Rex, and the third to Lucullus. He belonged in fact to one of the highest patrician families at Rome, and no doubt

[1] Mr. Merivale (*Hist. Rom.* I. 167) says, "the odious charge that he had lived in incest with his sisters can only be regarded as a current tale of scandal, the truth of which it would be preposterous to assume." I fear it is neither preposterous nor incredible. It was at all events firmly believed at Rome.

[2] The *quadrans* was a small coin at Rome about the value of a farthing, and was the price of a public bath. Clodia used to frequent these baths as if she were one of the "laboring classes," and he ge the nickname.

presumed upon its wealth and influence to screen him from the consequences of his crimes.

The matter seems to have been for a time hushed up, and probably Clodius thought that no further inquiry would be made, as the year passed away without any steps being taken. But early in January, at the commencement of the new year, B. C. 61, Q. Cornificius, who was then *Princeps Senatus*, brought the question before the Senate. By them it was referred, as a matter affecting religion, to the College of Pontiffs, who declared it to be an act of sacrilege. Upon this the Senate resolved that the consuls should propose a bill in an assembly of the people to bring Clodius to justice, and to authorize a departure from the ordinary form of trial. The bill enacted that instead of the *judices* or jurymen being chosen by lot, which would give Clodius a chance of escape, as the jury might happen to be composed of men easily accessible to a bribe, the prætor should select a certain number of jurymen for whose character he would of course be responsible. This led to violent opposition.

In the mean time, after five years' absence from Italy, — five years of unparalleled military renown, — Pompey had just landed at Brundusium, with the main body of his army, which he had so often led to victory. If he had possessed the ambition and the boldness to make himself Dictator of Rome, he might have marched upon the capital; and in the state of parties at the time he would have probably succeeded almost without a struggle. So general was the opinion that such was his design, that, according to Plutarch, Crassus withdrew himself with his children

and property from the city, which he believed, or affected to believe, was about to throw open its gates to the conqueror, and receive him as its master. But Pompey adopted a course which surprised everybody. He dismissed his soldiers to their homes, and attended only by a small escort travelled towards Rome with hardly more state than if he had been a private gentleman. When he reached the walls he stopped, for as he claimed a triumph he could not enter the city. Outside the gates he addressed the people in a speech which Cicero, who probably heard it, described as distasteful to the poor, spiritless to the wicked, unpleasing to the rich, and trifling to the good. It therefore fell flat upon the audience.[1]

Piso the consul then suggested to Fufius, a tribune, and a man whom Cicero calls *levissimus*, that he should introduce Pompey to the people in the Circus Flaminius, where, it being market-day, there was a considerable crowd, and ask him publicly his opinion whether the prætor should choose the jurymen for the trial of Clodius, as the Senate had proposed by the bill. Pompey, however, evaded a direct reply. He, as he always did, tried to trim between the contending parties. He did not like to oppose the Senate; but he was also afraid of offending the mob, amongst whom he knew that Clodius was popular and had many active partisans. He therefore spoke, as Cicero calls it, very "aristocratically," praising the Senate in general terms, and professing his respect for its authority; but he took care not to commit himself to any distinct opinion on the question that had been put to him.

[1] Non jucunda miseris, inanis improbis, beatis non grata, bonis non gravis: itaque frigebat. — *Ad Att.* I. 14.

Soon afterwards, when his demand for a triumph had been granted, Pompey entered Rome; and, when he took his seat in the Senate, the consul Messala asked him what he thought of the alleged sacrilege and the bill then before the people. He rose and made the same general kind of speech as before, eulogizing the Senate, but avoiding a direct answer to the question. Cicero was close beside him, and Pompey, when he sat down, told him that he thought he had made a sufficient reply. The speech seems to have been applauded, as was natural it should be by an assembly which the great man had just flattered by his praise; and Crassus then rose. Cicero, who never could get the merits of his own consulship out of his head, tells Atticus that Crassus saw that Pompey had been well received, because the Senate believed that he approved of the acts of that consulship. This we may be permitted to doubt. Most probably Pompey was cheered because the Senate was glad to believe that they had found in him a champion; and they gave credit to his professions of respect and devotion to their order. However, Crassus rose and delivered a most complimentary panegyric on Cicero, praising his consulship to the skies, and declaring that he owed it to Cicero that he was still a senator, a citizen, a freeman; nay, that he owed to him his life; and as often as he regarded his wife, his home, his country, he felt the force of all his obligation to him.

While Crassus was speaking, Cicero, who was sitting next to Pompey, watched him closely, and says his emotion was visible. Perhaps, he adds, this was because Crassus had thus seized an opportunity

of showing good-will to him while Pompey had shown indifference; or, because he saw how favora bly the Senate listened to the praise which Crassus had bestowed.

Cicero rose next, and it is amusing to read his own account of his speech. He says he was determined to show off before Pompey, who now heard him for the first time; and he exhausted every rhetorical artifice, as he descanted on the well-worn theme of the Catiline conspiracy, and urged the necessity of concord between the Senate and the knights, and the union of Italy in the common cause. "*Quid multa?*" he says, "*clamores.*" He sat down amidst thunders of applause.

But to return to the affair of Clodius. Everything depended on the question how the tribunal that was to try him should be constituted. Clodius and his friends left no stone unturned to prevent the jury from being selected by the prætor. Of the two consuls Piso sided with them, and did his utmost to get the bill rejected; but Messala, on the contrary, was strongly for it. Cicero confesses that he himself, who had at first been a very Lycurgus in the matter, was beginning to take a more lenient view; and yet in the same breath he avows his fears that the case of Clodius, defended as it was by the bad and neglected by the good, would be the cause of great mischief to the state. Cæsar seems to have taken no active or open part on either side; but he divorced his wife Pompeia, using according to Plutarch the memorable words, "Cæsar's wife ought to be above suspicion." The Senate, however, stood firm, so much so that Cicero calls it a very Areopa-

gus; and it was determined that the bill should be submitted to the people, and if possible carried.

At last the day of the assembly came, and in one of the letters to Atticus we find a lively description of the scene. The voting on the question of a law took place in the same manner as when magistrates were chosen, and has been already described. Bands of youths headed by the younger Curio, whom Cicero contemptuously calls a girl (*filiola*), flocked early in the morning to the meeting to support Clodius; and went about amongst the crowd urging every one to vote against the bill. Piso himself, whose duty as consul it was to propose it, did the same. Slaves and retainers of Clodius filled the narrow passages (*pontes*) through which the voters had to pass to give their tickets. And the trick was resorted to (not unknown at elections in France at the present day) of furnishing only voting tickets in the negative marked with an A (for *Antiquo*), and none in the affirmative or *Uti Rogas*. Cato flew to the platform and attacked Piso in a well-timed speech. He was followed by Hortensius, Favonius, and others on the same side, but Cicero was silent.

The meeting broke up without coming to any decision. The Senate was then summoned, and notwithstanding the opposition of Piso and the abject entreaties of Clodius, who threw himself at the feet of the senators, it was moved that the consuls should address the people and urge them to accept the bill. Cicero proposed as an amendment that there should be no such resolution; but only fifteen divided with him, while four hundred voted for the motion.

The Senate further resolved that they would transact no public business until the bill was carried Hortensius, however, fearing that the tribune Fufius Calenus would interpose his veto if the bill was passed by the people, and so render it a dead letter, proposed that Fufius himself should bring forward a bill declaring, like the other bill, that Clodius's offence was sacrilege, but providing that the jury should be chosen by *lot* out of the decuriæ. This was intended as a compromise, for it limited the number of persons out of whom the jury could be formed, and so diminished the chances of having a needy and corruptible set, and yet preserved at the same time the principle of fairness in not selecting the names. But Hortensius felt so confident that Clodius must be convicted, that he was indifferent as to what kind of tribunal tried him. His expression was that Clodius's throat would be cut by a sword of lead. Cicero, however, was of a different opinion: he feared that the men who tried Clodius would be poor and open to a bribe, and he knew that the other side was rich and unscrupulous. The event proved that he was right.

The proposal of Hortensius was carried, and the day of the trial at last came. Lentulus, or, according to Valerius Maximus, three of that family, came forward to prosecute. Of the jury, several were challenged by the accused and rejected; others were challenged by the prosecution amidst the wildest uproar The jury were fifty-six in number, and Cicero describes them as finally empanelled. With few exceptions he says a worse set never sat round a gambling-table: disreputable senators, needy knights,

and insolvent tribunes.[1] The few respectable men amongst them whom Clodius had not been able to set aside by his challenges sat sorrowful and ashamed, blushing at the company in which they found themselves. At first, however, all seemed to be going well. The forms of a criminal trial were duly observed; the points as they arose were decided unanimously in favor of the prosecution with almost stern severity, and all that the prosecutor asked was granted. Hortensius chuckled at the thought of his own sagacity, and the universal opinion was that Clodius would be found guilty.

For his defence he relied on an *alibi*. His case was that he could not have been in the house where the mysteries of the Bona Dea were going on, for at that time he was at Interamna, fifty miles distant from Rome. But Cicero came forward as a witness. Instantly there was a tremendous clamor. The whole court rose and surrounded him as if to protect him from assassination. Such a mark of respect, he says, was more honorable than Xenocrates received when his oath was dispensed with at Athens, and he gave evidence unsworn; or Metellus (surnamed Numidicus), when on his trial the jury refused to look at his accounts when they were handed to them.[2] Such a reception struck terror into the hearts

[1] Maculosi senatores, nudi equites, tribuni, non tam ærati, quam, ut appellantur, ærarii. — *Ad Att.* I. 16. It is difficult to know the precise point of contrast here between *ærati* and *ærarii*. Several explanations have been attempted, but I believe I have given the real meaning.

[2] A somewhat parallel case once occurred in Scotland. A chest containing the muniments of title of the Maitland family in Scotland had been buried for safety during the civil war in the 17th century. On the return of more peaceful times it was taken up, but the deeds were found to be illegible from damp and decay. It happened, however, that the first Lord Lauder

of Clodius and his friends. Cicero deposed that on the very morning in question in his own house he had an interview with Clodius. This if true was decisive, and it was unlikely that the evidence could be disbelieved. The court adjourned, and the next morning a crowd attended Cicero at his house, like that which had attended him when he laid down his consulship. The jury declared they would not meet again unless they had the protection of a guard. The question was brought before the Senate, and a guard was ordered. The magistrates were directed to see to it, and the jury were complimented on their behavior.

But Clodius and his friends were busy in the interval, and to some purpose. The wise rule of English law which secludes a jury, when once empanelled in a criminal case, from the outer world, and isolates it from all the temptations which might beset it to swerve from the path of duty, was unknown at Rome. A gladiator slave was employed as an emissary to visit the jurymen at their houses, or send for them, and bribe them. And with what? Not merely with money, but the promise of the embraces of abandoned women, and, to use the words of Lord Macaulay in another case, "abominations as foul as those which are buried under the waters of the Dead Sea." [1]

At last came the moment of the verdict. The

dale, who was the son of Baron Maitland of Thirlestane, Chancellor of Scotland, and died in 1595, had made long before a calendar or *précis* of his deeds, and so high was the opinion entertained of his integrity, that the Scotch parliament directed that this calendar should be accepted as evidence, and ordered the clerk-registrar to authenticate it accordingly. See Crawford's *Peerage of Scotland*.

[1] Noctes certarum mulierum atque adolescentulorum nobilium introductiones. — *Ad Att.* I. 16.

Forum was crowded with a rabble of slaves. The respectable citizens kept away. Twenty-five voted for a conviction, thirty-one for an acquittal, and Clodius was declared Not Guilty![1]

It has been supposed by some, and, indeed, is asserted by Plutarch, that Cicero's motive in coming forward as a witness against Clodius was to quiet the suspicions of his wife, Terentia, who was jealous of his attentions to Clodia, Clodius's sister, the wife of Metellus Celer. And Wieland says that it would be ridiculous to attribute Cicero's conduct to conscientious motives. But I entirely disagree with him, and also entirely disbelieve Plutarch's story. There is not a tittle of evidence in support of it, and it is belied by the whole conduct and character of Cicero. Without challenging for him a higher degree of morality than may be claimed by one of the most virtuous of the Romans in an age of disgraceful profligacy, I think we may rely on two facts to show that the insinuation against him is false. In the first place there is not a hint or trace of the faintest kind throughout the whole of his private correspondence that his wife was jealous of him, or that he ever gave her cause for jealousy. In the next, the language in which he always speaks of Clodia, giving her the nickname of βοῶπις, or "ox-eyed," — not, however, an uncomplimentary epithet, as witness Homer, who thus characterizes the regal Juno, — and alluding to her abandoned life in the most offensive terms, is quite inconsistent with the idea that he had loved her. And why should it be "ridiculous" to sup-

[1] Catulus sarcastically asked one of the jurymen afterwards, "What did you want a guard for? Were you afraid lest you should be robbed of your bribe?"

pose that Cicero, who was conscious that a frightful scandal had been committed, shocking to all sense of decency and propriety in the Roman mind, and who knew that the defence set up by the perpetrator was a lie, should feel himself compelled, by a regard for truth, and in the interest of religion, to which, amidst all the scepticism of that age, the multitude clung, to come forward, from conscientious motives, to bear testimony to a fact which, perhaps, he alone could prove? Wieland says such an assumption is contradicted by Cicero's conduct a few years later, when he defended another young profligate, Cœlius, and certainly then showed that he took a lenient view of youthful immorality. But the cases were entirely different; and it is really idle to suppose that there was any analogy between them. He was then pleading as an advocate, who was bound to do the best for his client, and it would be hard indeed to suppose that because in such a case he extenuated the follies of youth, he was, therefore, indifferent to vice. The result of the trial gave rise to the darkest forebodings in Cicero's mind. He tells Atticus that the Republic — the preservation of which his friend attributed to his counsels, but he, Cicero, attributed to Divine wisdom — was ruined by the verdict, if verdict it could be called, when thirty men, the meanest and vilest of the people, were bribed to trample underfoot every law, both human and divine. In another letter he declares that the constitution was overthrown by a verdict purchased by bribery and lust.[1]

He preserved, however, a bold front externally, and

[1] Emto constupratoque judicio

exposed with unsparing severity in the Senate the infamy of the court which had acquitted Clodius. Before the trial took place he had been roused from the apathy into which he confesses he was in some danger of falling on the subject, by attacks made upon him by Clodius at mob-meetings in the Forum; and thus provoked, Cicero thundered against him, and Piso, and Curio, and the rest of his followers in the Senate, in a way which, he tells Atticus, he should have liked him to behold. On the 15th of May, after the trial was over, being called on by the consul to speak, he rose, and dwelt at some length on the gravity of the crisis, and the danger which such an acquittal threatened to the state. Turning then to Clodius, who, as a senator, was present, he addressed him, and said, "Clodius, you are mistaken; the jury saved you, not for Rome, but for a prison. It was not that they wished to retain you in the state, but to deprive you of the privilege of banishment. Be then of good courage, Conscript Fathers, and preserve the dignity of your order." In this strain he proceeded for some time, and sat down. What followed? It is a curious illustration of the tone and temper of that august assembly, which we are apt to regard as the most serious conclave the world ever saw, and also of the tone of Cicero's mind, to find him the next moment engaging with Clodius in a quick fire of repartee and puns, in which each tried to make the sharpest and wittiest retort upon his adversary, while the Senate vociferously applauded. Some of the jokes are now obscure, and have lost their point, and some are not fit for explanation. As a specimen, however, of the kind of wit that so

delighted the senators of Rome, I will quote one or two of the passages. "You have bought a house," said Clodius. "One would think," replied Cicero, "that you said I had bought a jury." "They did not believe you on your oath," exclaimed Clodius. "Yes," retorted Cicero, "twenty-five of the jury did believe *me*, but thirty-one did not believe *you*, for they took care to get their money beforehand." This last blow seems to have floored Clodius, for Cicero says, although he is hardly a fair reporter of his own wit, that, overpowered by the cheers that followed this sally, he became silent and crestfallen.

During the progress of the Clodian affair Cicero's vanity had been hurt by a slight put upon him in the Senate by the consul Piso.

The senators of consular rank had the precedence next to the consuls in the Senate, and were first called upon to deliver their opinions. But it was in the option of the consuls to call upon them in such order as they thought fit, and we can easily imagine how often personal or party considerations influenced their choice. Since he had ceased to be consul, Cicero had enjoyed the honor of precedence in speaking; but Piso was determined to affront him. When, therefore, at the beginning of the year, it became his duty, as one of the new consuls, to put the question in the Senate, he passed over Cicero, and called upon his own relative, C. Calpurnius Piso, — who was afterwards consul, — to give his opinion first. Cicero came next; Catulus third; and Hortensius fourth. Cicero, however, was gratified by hearing murmurs of disapproval amongst the senators, and he consoled himself with the reflection that, by the affront, he

was relieved from the necessity of keeping on terms with Piso, whom he paints in no flattering colors, and that, after all, the second place in the Senate was one of almost as much authority as the first.

It was a leading object of Cicero's policy to uphold the dignity and authority of the equestrian order, and secure, as far as possible, a good understanding between it and the Senate. Sometimes he went too far, and in his anxiety to prevent a rupture and conciliate the knights, he defended them in cases where he knew and confessed that they were wrong. He seems to have acted here on the dangerous principle that the end justifies the means, and to have advocated or opposed measures, not because they were right or wrong in themselves, but because he feared that their rejection or adoption would irritate the equestrian body.

After the scandalous acquittal of Clodius the Senate most properly resolved that an inquiry should take place as to the alleged corruption of the jury. The *judices* were composed of three classes:—1. Senators; 2. Knights; and 3. *Tribuni Ærarii.* Such an inquiry, therefore, was directed quite as much against the Senate as the Knights, and conveyed no imputation upon the one more than the other; yet, strange to say, the Knights took offence at the proposal, and Manutius assigns for this the extraordinary reason that they did not consider themselves within the purview of the law which made it punishable for jurymen to take bribes.[1] As if they could set up the disgraceful privilege of being entitled to violate the plainest principles of morality and justice! It

[1] Manut. *in Orat. pro Cluentio.*

happened that Cicero had not been present in the Senate when the resolution was passed appointing the inquiry; but when he observed the discontent of the equestrian class — who, however, did not venture to make any open complaint — he took the Senate to task, and blamed it severely in a set speech, exerting all the powers of his eloquence in defence of a claim which he himself characterized as indecent. It is impossible to justify this. Cicero's conviction — as that of every honest man — was, and must have been, that the Knights were flagrantly in the wrong, and no political consideration ought to have induced him to support them in such a case. In the result the tribunes interposed their veto and the inquiry was not proceeded with.

About the same time another cause of dissension between the two orders arose, owing to a caprice of the Knights, as Cicero calls it,[1] which he says he not only tolerated, but even justified and applauded.

The facts were these. The Knights were the farmers of the public revenue — a kind of middlemen between the tax-payers and the state. They entered into contracts for the payment of certain fixed sums into the exchequer, which they were of course bound to make good. It happened that some of them had made what turned out to be a bad bargain, for the revenues of the province of Asia Minor. In their avaricious eagerness, as they themselves confessed, to get the contract, they had made too high a tender, and they now wanted the terms of their contract to be altered. Cicero says that the case was full of

[1] Ecce aliæ deliciæ equitum vix ferendæ, quas ego non solum tuli, sed etiam ornavi. — *Ad Att.* I. 17.

odium, and the demand shameful, and yet he supported it. His reason was, the danger lest, if they gained nothing, they might be wholly alienated from the Senate. He exerted himself to have their claim heard in a crowded house, and there, at the beginning of December, he spoke for them on two consecutive days. But Metellus, the consul, and Cato opposed them, and their petition was rejected.[1] It is worth while to notice the terms in which Cicero spoke of these two occurrences afterwards. "What was more just than that those should be put on their trial who had received bribes in a case they had to try? This was Cato's opinion, and the Senate agreed with him. The Knights declared war on the house — not on me — for I dissented. What was more impudent than the conduct of the farmers of the revenue in claiming a remission of their contract? Yet I had to throw the die in their favor for the sake of not alienating the whole body."

Writing, however, at the end of the year which had just closed, — the year I mean in which Piso and Messala were consuls, B. C. 61, — he says, that it had seen the overthrow of two strong supports of the constitution erected by himself alone; it had witnessed the weakening of the authority of the Senate and the disruption of the union of the two orders.

In the month of September this year Pompey celebrated his third triumph; and it was such a triumph as had never before been seen in Rome. For two days the populace gazed with wonder at the trophies

[1] When Julius Cæsar was consul, one of his first acts was to get the contracts reduced to the extent of one third. By this politic concession he of course conciliated the good-will of the Knights. *Dio Cass.* XXXVIII. 7

of his victories as the stately procession wound its slow course along the Sacred Way to the Capitol. Brazen tablets were carried on which were engraved the names of the countries he had conquered — Pontus, Armenia, Cappadocia, Paphlagonia, Media, Colchis, Iberia, Albania, Syria, Cilicia, Mesopotamia, Phœnicia, Palestine, Judæa, and Arabia. They proclaimed that he had captured one thousand fortresses and nine hundred cities, destroyed eight hundred pirate ships, and founded thirty-nine towns; that he had raised the revenue of his country from fifty millions to eighty-five millions, and that he was now pouring into the treasury the value of twenty thousand talents in the shape of money, gold and silver plate, jewels, and ornaments. A long array of prisoners of war followed the chariot of the conqueror. There were to be seen Zosime, the wife of Tigranes, king of Armenia, and his son, with his wife and daughter; Aristobulus, king of Judæa; the sister of Mithridates and her five sons, with women from Scythia, and hostages of the Iberians and Albanians, and of the king of Commagene.

It is very important to ascertain what was Cicero's real opinion of Pompey, upon whom, more than upon any man, next to Cæsar, depended the fate of Rome. For this purpose we must not look to his public speeches, in which it might be politic to flatter the successful and popular general, but to his private correspondence, and observe the sentiments he expressed in all the confidence of friendship. We have seen what he said of his first appearance on the scene of politics after his return from the East, and we shall find the true state of the case to be that

Cicero always mistrusted Pompey, and Pompey disliked Cicero. Cicero soon discovered the weakness of his character, and was quite aware that ambition and not patriotism was the ruling principle of his conduct. But at the same time he knew that he was the only statesman at Rome who could make head against the rising reputation of Cæsar, and counteract the designs of that dangerous and unscrupulous man, into which he himself seems to have had from the first a tolerably clear insight.

To preserve the constitution as it had been handed down from their forefathers, — to maintain the authority of the Senate and keep up the aristocratic element as a breakwater against the wild sea of democracy which was surging around them, — was the leading object of Cicero's policy. For most of the senators, and especially for the young nobility, he had a profound contempt. Cato, indeed, was an exception, for he was a man of sturdy honesty, and as true as steel. But then he was Utopian and impracticable, and, with the best intentions, sometimes did mischief. At least Cicero, whose motto certainly was not *frangi non flecti*, thought so; and he said that Cato spoke as if he were in the republic of Plato, and not amongst the rabble of Romulus.[1] As to the aristocracy generally, they were enervated by luxury and given up to frivolous amusements. He describes them as men who thought they were in paradise if they got tame fish to come to their call and eat out of their hands; "fools enough to believe," he adds, with bitter scorn, "that, even if the constitution were destroyed, their fish-ponds would

[1] *Ad Att.* II. 1.

be safe." But his own personal safety required that he should have some powerful support against the attacks of his enemies, who had already shown that they were determined, if possible, to destroy him. He therefore determined to ally himself as closely as possible with Pompey, and courted his friendship while he kept himself on his guard. To make this clear, I will quote one or two passages from his letters, which will, I think, fully bear out the view I take of the relations between these two eminent men, — the one, at that time, the greatest soldier, and the other the greatest orator of the Republic.

Writing to Atticus about the Clodian affair, he says: "But that friend of yours (though you know whom I mean)," — he meant Pompey; Atticus took care to be friends with everybody, — "about whom you wrote to me, and said that he began to praise when he found he did not dare to blame, professes to show great affection for me, — embraces, loves me secretly, — but it is plain enough he is envious of me. There is in him nothing of courtesy — nothing of sincerity — nothing of political honesty — nothing grand or generous — and no steadiness."

Shortly afterwards, when Clodius had been acquitted, he tells Atticus that "the mob-speech-loving leech of the public treasury, the wretched and hungry *canaille*," [1] — in such terms Cicero spoke of the lower orders at Rome, — "thinks that I am an especial favorite with him, surnamed the Great; and faith! we are on such terms of close intimacy that those riotous and revelling conspirators of ours — those downy-bearded youths — call him in their

[1] Illa concionalis hirudo ærarii, misera ac jejuna plebecula.

talk Cnæus Cicero. Therefore, in the theatre and at gladiatorial shows, we receive astonishing applause without a single hiss (*sine ullâ pastoriciâ fistulâ*)."

At a later period of the same year he tells his friend, — "I am on the most friendly terms with Pompey. I know what you say. I will be on my guard where caution is required."

Next year he writes, "I have allied myself so intimately with Pompey that each of us is thereby strengthened in his own line of policy, and stands on firmer ground." But very soon afterwards — in fact, in the next letter — when he is replying to some friendly caution which Atticus had given him, he says that he agrees with him, and does not intend to put himself in the power of another, "for he to whom you allude" (meaning Pompey) "has nothing in him great or elevated; he does nothing but stoop to court popularity."

He defends himself to Atticus for ingratiating himself with a man whom he so distrusted, on the ground that it was for the public interest they should be friends, for if they quarrelled there would be nothing but disorder in the state. And he flattered himself with the idea that by allying himself with Pompey he could steer his own course, and Pompey would follow in his wake, so that no harm but good would result from their friendship. Fatal delusion! into which he was the more easily led, because Pompey, well knowing his weak side, took care to flatter him about his famous consulship, and declared that *he* might have served the Republic well, but that Cicero had saved it. "That he should do this," says

Cicero, "may or may not be advantageous to me it certainly is advantageous to the state."

Of Cicero's domestic and private life during the last two years we have only a few glimpses. He resided chiefly in Rome, and was busied in politics. But he felt wearied and disgusted at the state of affairs. He had no confidence in most of the public men; and in the midst of the Forum and the Senate felt himself almost alone.

In one of his letters to Atticus he says: "I am so abandoned by all, that the only repose I enjoy is in the society of my wife and daughter, and my honey-sweet Cicero. For the hollow friendships of ambition have a certain show and glitter externally; they give credit in the Forum, but confer no home-felt happiness; therefore, when my house is filled with visitors in the morning, — when I go down to the Forum attended by troops of friends, — I cannot find a soul in all the crowd with whom I can freely joke, or into whose ear I can breathe a sigh." But his love for Atticus increased more and more. He draws a beautiful picture of their friendship in one of his letters;[1] and frequently inquires about his *Amaltheum*, — a name which Atticus had given to a room in his house near Buthrotus (probably a library), — wishing to know how it was furnished, and saying that he had a fancy for making a similar one at his country-seat near Arpinum.

He alludes, in feeling terms, to the death of one of his slaves, Sositheus, who was an *Anagnostes* or reader, for the Roman gentry used often at their meals to have books read to them by an attendant,

[1] *Ad Att.* I. 17.

as was the custom in monasteries in this country, amongst the ruins of which may sometimes be seen the gallery where the reader was stationed.

He alludes also to some domestic annoyances, about which he cannot be more explicit, as he does not like to mention them in a letter confided to the care of an unknown courier. But to relieve Atticus from anxiety, he expressly adds, that they are of no great moment.

CHAPTER XI.

THE FIRST TRIUMVIRATE.

ÆT. 46. B. C. 60.

THE consuls of the new year (B. C. 60) were Lucius Afranius and Q. Metellus Celer. Afranius was one of Pompey's creatures, who had made every exertion to get him chosen consul-elect in the preceding year, but, as Cicero says, did not rely for that purpose upon his influence or popularity, but on the means to which Philip of Macedon alluded when he said that any fortress could be taken into which an ass could enter laden with gold. In other words, Afranius's election had been carried by wholesale bribery; and it was the current report that the consul Piso kept in his house the agents who worked the machinery of corruption. The scandal was so great that, on the motion of Cato and his brother-in-law Domitius Ahenobarbus, the Senate passed two resolutions, the one authorizing a judicial inquiry into the subject before the ordinary magistrate, and the other (directed no doubt against Piso the consul) declaring that whoever kept in his house agents for the purpose of bribery (*divisores*) was guilty of an offence against the State. Cicero had a perfect contempt for Afranius. He says that he was such a noodle that he did not know the value of what he had bought — that is the

consulship: it was a choice which would make any one who was not a philosopher groan.

One of the first measures of the new year was an agrarian law, brought forward by the tribune Flavius. He proposed that part of the public lands should be distributed amongst the disbanded soldiers of Pompey's army Pompey of course was the real author of the scheme, which Cicero says had nothing popular in it but his name. Its principal feature was that the lands should be purchased by setting apart, for five years, for that purpose, a portion of the revenues acquired by Pompey's conquests.

The Senate was opposed to the whole plan, looking upon it as a scheme for the further aggrandizement of Pompey. Cicero, however, was willing that the law should pass, with certain modifications. He spoke in its favor, but strongly insisted that the right of present possessors should be respected; and proposed that some of the lands which Flavius had included in his bill should be excepted. He thought that the measure thus altered might be beneficial, and he was glad to have an opportunity of gratifying Pompey. The city would thereby be relieved of a needy crowd, and many uninhabited tracts in Italy would be peopled.

The question excited a lively interest at Rome, where faction ran so high that Flavius the tribune actually threw Metellus the consul into prison. Dio Cassius says that the Senate followed the consul to the jail determined to share his imprisonment, but Flavius put his back against the door and kept them out. What an extraordinary instance of the audacity of the tribunes; and what a picture of the lawless-

ness of the times! Pompey however interfered, and Metellus was released. But the measure did not become law. A more serious matter diverted public attention from the subject, and it was allowed to drop. Ever since the capture of Rome by the Gauls the city had dreaded nothing so much as a Gallic invasion. News reached Rome that the Gauls were in arms, and that the Helvetii had already attacked that part of Gallia Narbonensis which was called *par excellence* the Province, and which so long retained its ancient title under the name of Provence. It was, therefore, no time for civic squabbles when such an enemy was bestirring himself. The Senate at once decreed that the two consuls should each assume the government of one of the Gallic provinces, the one taking Gallia Cisalpina, the other Gallia Narbonensis; and they ordered a levy of troops, and cancelled all furloughs. They also determined to send ambassadors into Gaul to induce the various tribes not to join the Helvetii in hostilities. As usual, the choice of these ambassadors was to be decided by lot, and it happened that Cicero's name was drawn first out of the urn, but the Senate unanimously exclaimed that they could not part with him, and he must stay in Rome. The same thing happened in the case of Pompey; so that, says Cicero, they two were retained as if pledges for the safety of the State.

At this time an incident occurred, trivial enough in itself, but fraught with important consequences to Cicero. Ever since he had appeared as a witness against Clodius on his trial for violating the mysteries of the Bona Dea, he had been the object of that

man's bitterest hate; and he had taken no pains to propitiate him, attacking him in the Senate, not only in solemn harangues, but with bitter and offensive jests. And when he met him in the streets he did not cease to tease him with his jokes. Some of them are really not fit to quote. It will be sufficient to say that they allude with grim pleasantry to Clodius's alleged incest with his own sister! He seems at this time to have despised Clodius too much to be afraid of him; but he did not know the character of the man, who possessed

> "the unconquerable will
> And study of revenge — immortal hate;"

and it is impossible not to be struck with the ingenuity with which he conceived and the tenacity with which he pursued his plan of vengeance. To get Cicero into his power and strike the blow with effect, it was necessary that he should be clothed with some great magisterial office; and no magistrate at Rome could vie in authority and power with a tribune of the people. But none but a plebeian could be such a tribune, and Clodius was a patrician. That difficulty, however, might be got over by adoption into a plebeian family or *gens*, and to accomplish this object he devoted all his energies. The legal mode of accomplishing an adoption was by getting a special law passed at the *Comitia curiata*, a meeting of the people voting in their curiæ, but Clodius feared that if the thing were attempted in a legal and regular way he might not succeed, for in the curiæ the aristocratic element preponderated. He therefore got the tribune Herennius to propose that the question

of Clodius's adoption should be decided by the votes of the whole body of the people in the Campus Martius.[1] This would of course give an opportunity for riots and bribery, and all the tricks by which a tumultuous body may be persuaded to vote. Pompey supported the proposal, but the other tribunes interposed their veto. The consul Metellus, Clodius's own brother-in-law, opposed it, and the matter for the present dropped.

In the mean time Cicero pursued the most conciliatory line of conduct towards the young nobility of Rome, who, deeply implicated as many of them had been in the Catiline plot, dissolute in morals, and overwhelmed with debt, long felt incensed against him for the part he had taken in crushing the conspiracy. He so won them over by his affability that he became quite a favorite with them, and they showed him the utmost respect. But he knew that he stood on slippery ground. Catulus, one of the best and noblest of the senators, died this year; he of whom Cicero said that neither the storm of danger nor the favoring breeze of honor could ever divert him from his course, either by hope or fear.[2] Since his death he hardly put faith in any one at Rome. He said that the well-affected had no steadiness of principle, and the disaffected hated him. There was not a statesman amongst them. Crassus was afraid to say a word that might endanger his popularity, and

[1] It is curious to notice the way in which Cicero introduces the name of Herennius to Atticus. "There is a man called Herennius, a tribune of the people, whom perhaps you do not even know; and yet you may know him; for he is one of your own tribe, and Sextus, his father, *used to distribute bribes amongst you!*"— *Ad Att.* I. 13

[2] *Pro Sextio*, 48.

Pompey sat silent in his triumphal robe.[1] He therefore remained upon his guard, distrusting his newborn friendships, and having constantly in his mind a line of Epicharmus worthy of Macchiavelli —

Νῆφε καὶ μέμνησ' ἀπιστεῖν· ἄρθρα ταῦτα τῶν φρενῶν.
"Be wary and mistrustful: the sinews of the soul are these."

Writing to Atticus shortly afterwards, he for the first time mentions Julius Cæsar's name, and the expression he uses is remarkable. He had just been defending his policy in allying himself with Pompey, on the ground that he thereby made him a better citizen and statesman; and he added, "what if I also make Cæsar (*whose breezes just now are very favorable*) a better man? Am I doing much disservice to the state?" Cæsar had not then returned from Spain, which he held as his prætorian government, and where he had gained great military reputation, but he was expected in Rome in a couple of days, and Cicero was then to have an interview with him.

In the course of this year Cicero defended P. Scipio Nasica, who was accused of bribery by Favonius, "Pompey's ape," as he contemptuously calls him, but the speech is lost.

But in the midst of his public occupations he still found leisure for literary pursuits. He composed a history of his consulship in Greek, and sent it to Atticus, begging him to criticize it and point out any mistakes he might have made in grammar or style. He promised also to send a Latin history of the same period if he completed it, which he afterwards did, and told Atticus that he might expect a poem also

[1] Pompeius togulam illam pictam silentio tuetur suam. — *Ad Att.* I. 18.

on the same subject, that he might not omit any kind of panegyric upon his own exploits.[1] He added that if others wrote on the consulship he would send Atticus their works; but somehow or other the perusal of his book made them reluctant to begin. "I have," he says in a tone of triumph to his friend, "I have confounded the Greek nation; those who used to urge me to give them something to polish and touch up have ceased to trouble me. If my book pleases you, take care that it circulates in Athens and the other towns of Greece." His vanity in fact was something wonderful. He was never tired of speaking or writing about himself; and it is amusing to see the *naïveté* with which he confesses his foible. He goes on to tell Atticus that if there was any subject in the world preferable to his consulship, by all means let it be applauded, and he would be content to bear the blame for not choosing that topic for his praise. But Atticus had himself about the same time written in Greek an account of the consulship and sent a copy to Cicero, so that the books crossed on the way. Cicero thought the style of his friend's work rather bald, and told him so: it was probably not florid nor complimentary enough to satisfy him, but he had the grace to add that it was "when unadorned adorned the most"; and in that respect like women — the sweeter that it had no perfume. His own composition was very different; and he confessed that he had emptied on it all the "scent-boxes" of Isocrates and his school, and had given it a touch of the colors of Aristotle. About the same time he made a collection of the speeches he had delivered

[1] Ne quid genus a me ipso laudis meæ prætermittatur.

while consul, and called them his "Consular Orations." He told Atticus that Papirius Pætus (one of his friends and correspondents) had made him a present of a library. Pætus seems to have been one of his clients, and he said jokingly, that he had consulted their common friend Cincius whether, under the terms of the Cincian law, which forbade an advocate from receiving any remuneration for his services, he might legally accept the books. They were at Athens, and he begged Atticus to employ his "friends, clients, guests, freedmen, and slaves," so that not a sheet of the precious manuscripts, whether Greek or Latin, might be lost, declaring that he grew daily more and more fond of devoting all the time he could spare from the labors of the Forum to literature.

In the course of the year he wrote an admirable letter, or rather essay, on the duties of a provincial governor, addressed to his brother Quintus, who had obtained the prætorian province of Asia Minor. It does credit to his head and heart; and we shall see that when he was himself proconsul of Cilicia he took care to practise the equitable doctrines he had preached.

Cæsar returned from Spain to Rome in June, flushed with victory and saluted *Imperator!* by his soldiers, to demand a triumph and the consulship. But to obtain the triumph he must remain without the walls, and to obtain the consulship his presence was necessary within the city. The Senate was unwilling to dispense in his favor with the existing law, and therefore, finding that the two objects were incompatible, he gave up the triumph and stood for the consulship. But he wanted money to bribe the

electors; and to get over the difficulty, he made common cause with Lucceius, who was wealthy and ambitious, on the condition that Lucceius should bribe for both in their joint names. The Senate was alarmed at the idea of having Cæsar consul, with a tool like Lucceius for his colleague, and they therefore put forward Bibulus as their candidate. But as they well knew that without bribery he had no chance, they subscribed amongst themselves to enable him to bid as high as his competitors. Even Cato, the incorruptible Cato, approved of this, and contributed money for the purpose, thinking that it was for the interest of the State, and all fair to fight the enemy with their own weapons. The plan was successful, and Bibulus was elected. It will be seen hereafter that the Senate was not mistaken in their man, and that while he held office as the colleague, he was the constant antagonist of Cæsar.

When he left Rome to assume the prætorian government of Spain, Cæsar was, in point of fortune, a ruined man. He had squandered unheard-of sums on his ædileship, determined to buy popularity at any cost. His creditors, therefore, threatened to detain him; but he got some of his friends, and the wealthy Crassus amongst them, to be his bail, and went off On his return he found Pompey the foremost man at Rome; between whom and Crassus there was an ill-concealed antipathy. Each was jealous of the other and bent on his own aggrandizement. Cæsar saw at once that if he could reconcile the two, and make them join him, he would be master of the situation. He knew that a "threefold cord is not quickly broken," and that he would be more than a

match for them both in the game he resolved to play. He could use the influence of Pompey and the gold of Crassus for his own purpose, and with this view he labored to form that famous triple alliance which is known in history by the name of the First Triumvirate.

Not that this implied any organic change in the constitution. The Senate and the People were still the two great estates of the realm, with the machinery of consuls and tribunes and the other magistrates still apparently working as before; but a new motive power was applied by the coalition of the three most ambitious and influential men at Rome.[1] The vessel of the State began to drift in a direction very different from her former course, and no one saw this more clearly than Cicero. Cæsar had some difficulty in overcoming the mutual repugnance of Pompey and Crassus, and getting them to act together, for they had never been friends since the time of their joint consulship. Both, however, assisted him now in his canvass for the consulship — Crassus with his money and Pompey with his influence. Pompey was anxious to have his actions in Asia ratified by a *senatus consultum*, — a sort of bill of indemnity for the past, — and this both Crassus and Lucullus opposed; but Cicero, with politic dexterity, supported it. Pompey felt what an advantage it would be to have on his side a man so popular in the Forum, of such weight in the Senate, and such influence with the Knights, as Cicero. And there was much to tempt him to join the alliance. Cæsar

[1] Societatem cum utroque (Cæsar) iniit, ne quid ageretur in republicâ quod displicuisset ulli e tribus. — Sueton. *Cæs.* 23.

professed the utmost deference to his views, and, by a union with the three, he had the prospect, to use his own words, of "reconciliation with his enemies, peace with the multitude, and repose for his old age." But then what would become of his political principles? Was he to abandon the cause of the Republic and the course he had followed from his youth to make himself an instrument in the hands of others, and surrender his free will to theirs? He said he was determined to take as his motto the noble line of Homer —

Εἰς οἰωνὸς ἄριστος ἀμύνεσθαι περὶ πάτρης.

And in this mood he addressed to Atticus, in the month of December of the closing year, a letter in which, after expressing his views on politics, he tells his friend that he expects him at Rome on the day before the festival of Compitalia, and will have a warm bath ready for him. Terentia invites Pomponia, and he will ask Atticus's mother to join the party. And Atticus is not to forget to bring with him Theophrastus on Ambition!

Such then was the state of affairs at the opening of the new year. Cæsar, Pompey, and Crassus had formed a coalition, and every effort was made to induce Cicero to join them. But he held aloof, determined to temporize, and not commit himself to an alliance which, it was his firm conviction, threatened ruin to the Republic. He did not, however, wish to break altogether with three such powerful men, whose hostility he would have to encounter almost alone, for he could count on no effective support in his own, that is, the conservative party. This gave his conduct the appearance of vacilla-

tion; but it may well be doubted whether he could at this juncture have acted more wisely than he did. Had the aristocracy of Rome cared less for their fish-ponds and more for the interests of the State, — had they numbered amongst them many such men as Catulus, and Cato, and Cicero, — a party might have been formed which would have been strong enough to resist, and perhaps counteract, the policy of the Triumvirate. But whether, even then, the Republic could have been preserved is another question, which is not so easily answered. I believe that its knell of dissolution had been struck, and that nothing could have prevented its final overthrow. We must remember that at Rome the whole effective power was in the hands of the people. Not through the medium of representative institutions, — that great secret for reconciling liberty with order which was never discovered by antiquity, — but the people in the most direct and primary sense. The Senate could not pass a single law binding on the whole community. It might pass a *consultum* or an *auctoritas*, which, within certain limits, had authority, but neither was equivalent to what we should call an Act of Parliament. And in what state was the people that reliance could be placed on it to maintain the constitution? The wars of Marius and Sylla, and the intestine disorders which had so long preyed upon the commonwealth, had demoralized the masses, and also the aristocracy. The result of the Social War had added enormously to the constituency by throwing open the franchise to the Italian towns; and the increase of numbers, by diminishing the sense of responsibility, had made the electors more

accessible to corruption. The wealth of conquered provinces had given ambitious and successful generals and governors the means of wholesale corruption, which they unsparingly exercised, and it was in vain that law after law was passed, each more stringent against bribery. We have seen that even Cato thought it right to secure the election of Bibulus by bribery, because in no other way would he have a chance of making head against Lucceius, who was patronized by Cæsar. The simplicity and virtue of old times had passed away. The people demanded the most profuse expenditure on shows, and games, and festivals, as the passport to their favor and their votes. The immorality of private life was frightfully on the increase. There was hardly a public man in Rome, except Catulus, and Cicero, and Cato, of those whose names still float on the stream of time, whose youth was not branded with the deep stain of profligacy: Catiline, Clodius, Curio, Dolabella, Antonius, Pompey, and Cæsar, were all guilty of vices which in our day would have incapacitated them from playing leading parts as statesmen — or at all events would, by the mere force of public opinion, have deprived them of all public influence. Was it not then a chimera to suppose that the Republic of other days could be preserved? And yet this was the dream to which Cicero clung, even to the last. Blinded by his attachment to ancient forms — an ardent lover of temperate liberty — conservative in all his views — he could not bring himself to believe that the old constitution was worn out, and that, while the form remained, the spirit and the life were gone. Those

who move with the tide are hardly conscious of the rate at which the tide is flowing, and come upon the rocks before they are aware.

Are we then, with some modern writers, to suppose that Cæsar was actuated by patriotic motives in overthrowing the Republic and making himself master of Rome? That he saw that a change was necessary, and made himself the instrument of that change out of pure love for his fatherland?

That he was one of the greatest of soldiers — and all but one of the greatest of orators — a consummate statesman — a wise ruler when he had attained the summit of his power — magnanimous and humane towards his enemies when he could afford to despise them, though pitilessly cruel when he had an object to gain, — all this we may freely admit; but it ought not to alter our opinion as to his nefarious plot against the constitution and liberties of Rome, nor blind our eyes to the fact that he was unscrupulously and selfishly ambitious.

Pompey was weak and vainglorious; utterly unfit to stand against his giant competitor or confront the dangers which overwhelmed the sinking State. No man could do this who was not gifted by nature with a genius for military command, — for the sword must ultimately decide the struggle, — and in the hour of trial it was found that, whatever reputation he might have gained against the barbarians of Spain — the half-civilized forces of Mithridates — or the pirate-hordes of the Mediterranean, — he was deficient in the great qualities of a soldier, and was as feeble in the conduct of a campaign as he was infirm of purpose in the Senate.

In January or February Cicero defended Antonius, who was tried for malversation in his provincial government of Macedonia and condemned. Having in the course of his speech made some remarks on the state of the times, his words were immediately *mis*-reported to the triumvirs. This so enraged them that, with indecent haste, they that very day hurried on Clodius's adoption; and Pompey, who was then augur, took the auspices while the meeting of the people was held, and so sanctioned the ceremony. In this act of adoption there were several irregularities, owing to which, as we shall see, Cicero afterwards contended that it was illegal. Amongst other objections, P. Fonteius, the adopting party, was a minor.

Disgusted with late events, Cicero left Rome early in the year, and passed several months at some of his villa residences in the country. The first letter we have was written to Atticus from Tusculum. His friend had been urging him to undertake a work on geography, and had sent him a book on the subject by Serapio of Antioch, of which Cicero candidly confesses he did not understand the thousandth part. Very probably Wieland is right in his conjecture that Serapio's work was full of mathematics or physics, a branch of study to which Cicero had never applied himself. He thanked Atticus, however, for the book, and said that he had given an order for the payment, as he did not wish to put him to the expense of it as a present. He seriously thought of writing a geographical work, and collected materials for the purpose, but he seems to have been deterred by its difficulty (*magnum opus est*, he says), and never to have carried out the idea. He was at this time weary of politics,

and glad to exchange the bustle of Rome and strife of the Forum and Senate for his villas and his books. And yet it is amusing to observe his inconsistency. In the same breath that he asks who are to be the new consuls he declares that he has little curiosity to know, for he has determined no longer to trouble himself with politics. But all his letters show how anxious he was for public news, and how little he could content himself with the idea of retirement. Charles V. in his convent of St. Yust took, as we now know, a lively interest in the politics of Europe, and Cicero in the country was never satisfied unless he heard constantly from Atticus the gossip of Rome. In his next letter, written from his villa near Antium (Porto d'Anzo), he says that he either amuses himself with his books, of which he had there a pretty good collection, or with counting the waves on the beach, for the weather was not fine enough for fishing. As to writing, he was in no mood for it at all. He tells Atticus he would rather have been a *decemvir* (a sort of mayor) in the petty provincial town of Antium than consul at Rome. "Only think," he exclaims, "of there being a place so near Rome where there are numbers who have never even seen Vatinius!" (a noisy and troublesome tribune of the people devoted to Cæsar) — "where nobody except myself cares whether any of their Twenty Commissioners are alive and well, — where no one catechises me, and all love me."

This allusion to the Commissioners refers to a measure which to ingratiate himself with the people Cæsar had proposed for making a distribution of the public lands in Campania. To execute the scheme,

twenty Commissioners (*Vigintiviri*) were to be appointed, and two who accepted the office were no less persons than Pompey and Crassus. Cato strongly opposed the measure, and so also did Bibulus the other consul, saying, "It is not the bill that I fear but the recompense that is expected for it." When however it came before the people, he was so roughly handled and pelted by the mob that his life was in danger; and Cæsar, enraged at his conduct, had the audacity to throw his colleague into prison, from which however he almost immediately released him. Owing to the opposition the bill encountered, it did not pass for several months, and after it became law a place in the commission was offered to Cicero in July, but he peremptorily refused it. Nothing, he says, could have disgraced him more in the eyes of his countrymen, nor would it have been a prudent step on his part to take, for the whole body of commissioners was unpopular, at least amongst men of the right stamp.

A more tempting opportunity of employment soon engaged his attention. As Cæsar and Pompey found they could not secure his active support, they seem to have wished to remove him from Rome on the honorable pretext of an embassy. Alexander III., King of Egypt, had been dethroned by his subjects, and Ptolemy Auletes made king in his stead. He was befriended by Pompey, whom he largely bribed; but he was an oppressive ruler, and the Egyptians soon became discontented with him. Pompey wished to gain for him the title of friend and ally of the Roman people, and Cæsar backed the attempt, which was opposed by the other consul Bibulus, who advo-

cated the cause of the Egyptians. In the mean time there was a talk of proposing to Cicero that he should go to Egypt and endeavor to effect a reconciliation between the king and his subjects, and his own personal inclination would have led him to accept the employment. He had long desired to visit Egypt, where his intelligent mind thirsting for knowledge would have found so much to interest him; and he hoped that his countrymen might learn to value him more by his absence, and that he might thus recover his popularity, which he felt was on the wane. But he was deterred by the reflection that he could not consistently, or without loss of self-respect, accept the mission from men to whose policy he was so strongly opposed, and he feared that he might stand lower in public opinion if he consented to go. In a letter to Atticus, alluding to the subject, he said, "What will history say of me six hundred years hence? That is a judgment which I reverence much more than the small talk (*rumusculi*) of such men as are now alive. But let me wait and see. If the offer is made it will be in my power to decline it, and then I can deliberate and decide. There will be even some glory in not accepting it. Therefore if you are sounded on the subject, do not peremptorily refuse it for me."

But it was not necessary to come to a decision. The tyrannical rule of Ptolemy drove his subjects into revolt. He quitted Egypt and took refuge in Rome.

Another object which Cicero had rather at heart was to succeed to a vacancy in the College of Augurs, caused at this juncture by the death of his friend Q. Metellus Celer. He confesses to Atticus that this

was the only prize by which it was in the power of the Triumvirate to tempt him, and with candor adds, "*Vide levitatem meam!* See my weakness!" While he thus wrote, his mind was struggling between the desire for action and the love of the calm pleasures of literature and philosophy. "To these," he exclaims, "I purpose to devote myself: would that I had done so from the first! Now, however, that I know by experience the vanity of those things I once thought so brilliant, I intend to pay court to all the Muses."

But in the same letter he eagerly inquires after all the news and gossip of Rome. "Who are to be the new consuls? Pompey and Crassus? or Servius Sulpicius and Gabinius? Is there anything new in the way of legislation? Is there any news at all? Who has the office of the augurship?" It was not offered to *him* at all events, for it did not suit the policy of Cæsar and Pompey to confer the honor upon him, and he had to put up with the disappointment for the present.

His next letter is in the same strain. He asks for news, but declares that he has no practical object in the inquiry as if he wished to meddle in state affairs; and he compares himself to a pilot compelled to disembark from a ship the helm of which has been snatched from his hand. "I wish," he exclaims, "to see the shipwreck of those men from the shore. I wish, as your friend Sophocles says, —

> 'To hear beneath the roof with tranquil mind
> The rain-lashed window beaten by the wind.'"[1]

[1] ὑπὸ στεγῇ
πυκνὰς ἀκούειν ψεκάδας ἐνδούσῃ φρενί.

So far however from being tranquil, he was in a state of feverish anxiety. Whenever a messenger came from Rome, his first question was "Have you brought a letter from Atticus?" Once, while at his villa near Antium, when the answer was "No!" he so frightened the couriers by his cross-examination, that they confessed they had received a letter for him, but lost it on the road. Here was a disappointment. All he could do was to write to his friend and beg him to repeat the contents of his missing letter. "If it contained matter worthy of history, let me know it; if only jokes, let me have them."

In April he left Antium and went to his country residence at Formiæ, intending to return to Antium in May, as his daughter Tullia wished to see some games that would be celebrated there. But he afterwards changed his mind and determined not to take her to the show, as he thought it would not look well for him to be amusing himself at a time when he did not wish to appear to be travelling for pleasure. From his Formian Villa he wrote frequently to Atticus, and his letters show the deep disquiet with which he contemplated the state of things at Rome. Pompey had assured him that Clodius had promised in the strongest manner that he would do him no injury; and Cicero told his friend that if the promise was not kept, he would take a fine revenge on that "Jerusalemite," as he contemptuously called Pompey.[1] "He shall feel," he says, "the ingratitude he has shown for all my complimentary speeches; look out therefore for a divine palinode!" He then goes on:

[1] Pompey had taken Jerusalem, and most probably vaunted a good deal of the exploit.

"Merrily and with less noise than I had expected has the revolution been accomplished; more quickly than it was possible had it not been for Cato's blunders and the perversity of those who allowed the existing laws against tribunician abuse and electoral corruption to be violated, and threw away all the safeguards of the State." But he was determined to defend himself, and if attacked return blow for blow. "Let my country support me: she has had from me I will not say more than was due, but certainly more than was demanded from me. I would rather have a bad voyage with another at the helm, than steer the ship prosperously with such thankless passengers." The letter concludes with a few words in Greek, most likely scrawled by his youthful son, "Little Cicero sends greeting to Titus the Athenian:" a salutation which is varied in another letter, thus — "Young Cicero the philosopher sends greeting to Titus the statesman." These little home touches are pleasant and refreshing to meet with in the midst of the discontent and sorrow that were preying on the mind of the father.

Formiæ was so far away from Rome that he felt himself quite out of the world. He complains that in his villa there, — the remains of which are still pointed out at the Villa Marsana near Castiglione, — except from a chance traveller, he never hears anything from Rome, whereas at Antium he had a letter daily from Atticus. But if he pined for news from the metropolis, he was in danger of being bored to death by country neighbors. They so crowded his house in the morning that he says it was more like a public building (*basilica*) than a villa. There was Arrius

who would talk philosophy with him, and obligingly told him that he stayed there for the purpose. And then there was that Sebosus! He gives such a graphic account of a visit from these gentlemen that it is worth quoting: "Just as I was writing post-haste to you, in walks Sebosus! I had hardly got over a groan when, 'How do you do?' says Arrius. Is this to get away from Rome? What was the use of my escaping from those men there when I have stumbled upon these men here? I declare I will be off

'To my old ancestral hills, the cradle of my race.'[1]

In short, if I cannot be alone, I would rather have the company of peasants than these town gentlemen."

And there were others equally tedious and tiresome, so that he says in joke this was now a capital opportunity for any one who wished to buy his Formian property — meaning that to get away from such company he would sell it cheap. And yet in the same letter in which he says this he declares that he has become so enervated, that he would rather live under a despotism in the repose in which he was then stagnating, than engage in the struggle of active life with the best hopes of success.[2]

It would be tedious to quote at much greater length from Cicero's correspondence at this period. It is all in the same strain: full of intense dissatisfaction at the state of public affairs. In April, Pompey married Julia, Cæsar's only child, twenty-three years younger than himself, and previously betrothed

[1] In montes patrios et ad incunabula nostra.

[2] He describes the feelings of the provincials as greatly irritated against "our friend Magnus," whose name was becoming odious along with that of Crassus "the Rich."

to Servilius Cæpio. He had divorced his former wife Mucia, for adultery with Cæsar; and now, for the sake of ambition, he actually married the daughter of the man who was the author of his dishonor![1] Such an alliance is without a precedent or a parallel. No wonder that Cicero should fear lest, stung and maddened by the reproaches which his conduct brought down upon him, Pompey, or Sampsiceramus as he nicknamed him, should grow utterly desperate.[2] Cæsar, in the mean time, pursued his old course of reckless extravagance, and lavished enormous sums on spectacles and games to keep the people in good humor. He was as unscrupulous about the means of getting money as he was profligate in spending it. He contrived to abstract (Suetonius says, he *stole*) from the temple of Jupiter in the Capitol three thousand pounds weight of gold, and replaced it with the same quantity of gilt bronze. The triumvirate, or rather Cæsar in its name, was already master of Rome, and Cicero declared, with prescient foresight, that a despotism was at hand. "For what," he writes to Atticus in May, "is the meaning of this sudden alliance — this distribution of lands in Campania—this profuse expenditure of money? And if this were the extremity of the mischief it would be too much. But in the nature of things it cannot be the extremity. For what pleasure can they take in these things in themselves? They would never have gone so far except to open a path to farther pestilent designs. Good heavens!" So far as personal feel-

[1] Sueton. *Cæs.* 50.

[2] *Ad Att.* II. 14. Sampsiceramus was the name of a petty chieftain in Asia Minor conquered by Pompey.

ings were concerned, he said that he was not without a consolation. He used to fear that Pompey's services to his country would, some six hundred years later, be thought to eclipse his own; but now he had no apprehension on that score, so lost and fallen had "Sampsiceramus" become.

With such feelings he returned to Rome in June. Atticus, about this time, went to stay at his country-seat in Epirus, so that their correspondence was still kept up; but Cicero told him that he would, for the sake of caution, sometimes write under a feigned name.

He found the Triumvirate very unpopular, and men gave vent to their opinions at dinner-tables and in society more freely than formerly. Grief and indignation began, he says, to get the better of fear; but yet the case seemed to be wellnigh desperate. Never was there, according to him, so infamous a state of things at Rome and so detested by all classes as now. When the Triumvirs appeared abroad they were hissed. Pompey especially seemed the object of dislike.[1] When Diphilus, an actor, recited in the theatre a line which was applicable to him, "*Nostrâ miseriâ tu es Magnus*," he was rapturously encored; and when he went on with the allusion, signifying that a day of reckoning would come, the audience vociferously applauded. Cæsar came at the moment to the theatre, and was so coldly received, that he could not conceal his displeasure; while Curio, a young senator, then looked upon as a leader of the Opposition, and as conspicuous for his hostility to Cæsar as he was afterwards distinguished by servile

[1] Even now Cicero called him *nostri amores*. — *Ad Att.* II. 19

devotion to him, was loudly cheered. Pompey happened to be absent from Rome at Capua, and letters were immediately sent off to tell him of the disagreeable occurrence. As to Bibulus, he was in immense favor. After the gross insult and outrage offered to him by his colleague, he refused to enter the Senate or appear in public, and in no very dignified manner shut himself up in his own house, where the Senate, or at all events some of the senators, used to meet, and from which he issued edicts and public notices addressed to the people. These were posted on placards, and the crowds that collected to read them were so great, that the thoroughfares were blocked up. He declared all the remaining days of the year, after the passing of the Campanian law, *nefasti*, or what, in Scotland, would be called not "lawful" days; that is, days in which no public business could be done. But this was virtually to abdicate his authority and make Cæsar in effect sole consul, so that the wits of Rome used to date their letters and other documents, by way of joke, with the words, "*Julio et Cæsare Coss.;*" and the following epigram was long current amongst them: —

"Non Bibulo quicquam nuper sed Cæsare factum est,
Nam Bibulo fieri consule nil memini."

"Pooh! Bibulus did nought of late, but Cæsar did it all;
For the consulship of Bibulus I can't to mind recall."

The people, however, were with Bibulus, and hissed and hooted the Triumvirs. Cicero gives a piteous description of the appearance of Pompey when he mounted the Rostra in July to speak to the multitude. He declares that he could not refrain

from tears when he looked at him and saw how he was changed. He was no longer the proud and popular orator, confident in himself and challenging applause, but cringing humbly to the mob, and almost ashamed to utter a word. He compares him to a star that had glided from its sphere. "O, Lucifer, son of the morning, how art thou fallen!" is the sentiment, if not the expression; and he says his grief was like that which Apelles or Protogenes might be imagined to feel if the one had seen his Venus, or the other his Ialysus, daubed and covered with mud. And yet he declares that, although after Pompey's conduct in the Clodian business he had forfeited all claim to his friendship, his love for him had been such that no injury could destroy it.

He took no part in public business at this time. He was profoundly disgusted with the state of affairs — a state in which, he said, resistance could only lead to civil war, and the struggle would end in ruin; and as he found he could do no good in politics, he turned to his old and congenial profession of an advocate. He defended A. Themius twice, and successfully; and afterwards, with Hortensius, defended L. Valerius Flaccus, who was accused of extortion in his prætorian government of the province of Asia Minor. Hortensius availed himself of the occasion to speak in the handsomest manner of Cicero's services as Consul, for which he had a good opportunity, as Flaccus had been prætor during Cicero's consulship. His own speech is still extant.

The charges against Flaccus were supported by witnesses who were sent over from Lydia, Mysia, Caria, and Phrygia, which constituted the province

of Asia Minor. They were all Greeks, the descendants of the settlers from Greece who had colonized those countries. The line of defence which he principally adopted was to throw discredit on their testimony; and the speech is curious, as showing the low estimate in which Greek veracity was held at Rome. The argument may be summed up in a single sentence: "Do not believe a Greek upon his oath." Passionately fond as he was of the literature of Greece, he had the utmost contempt for the character of the nation; and here was a case in which his duty to his client called upon him to express it. Whether he was as well justified in praising the truthfulness of his own countrymen as he was in denouncing the mendacity of the Greeks, is another question; but an advocate may be allowed to flatter the vanity of the court he is addressing.

"I say," exclaimed Cicero, "this generally of the Greeks. I concede to them literature; I grant them accomplishments in many arts; I do not deny them graceful wit, acute intellect, and ready speech; and if they claim even more than this, I make no objection; but that nation has never cultivated any regard for the sanctity of truth in giving evidence, and they are wholly ignorant of the force and authority and serious importance of the matter Whence comes that saying, 'Accommodate me with your testimony'? Is it supposed to be the formula of Spaniards or of Gauls? It is entirely the formula of the Greeks; so that even those who do not know Greek, know the words which the Greeks use in uttering it."

Another passage is worth quoting to show what was Cicero's opinion of the evils of democracy. After describing the checks which the constitution of Rome, in theory at least, imposed upon party legislation, and the care with which the wise men

of old had guarded the State against the effects of mob tyranny, he contrasted this with the history of Greece: —

"All the Greek republics," he said, "are governed by the rash and sudden impulses of public meetings. Not to speak of the Greece of the present, which has long been the victim of its own policy, ancient Greece, which once flourished in wealth, empire, and renown, was ruined by this one evil — the unchecked liberty and licentiousness of its public meetings and popular harangues. When uninstructed men, uneducated and ignorant, were assembled in a theatre, they voted for useless wars, they placed turbulent demagogues at the head of the government, and banished the best citizens from the State."

But besides attacking the character of the witnesses, he showed that their evidence was utterly untrustworthy in its nature. It was made up of resolutions passed by excited mobs, and was unsupported by documentary proofs. In some cases the witnesses pretended that they had lost the documents with which they were intrusted; in others, the documents were forged at Rome. For instance, one of them was sealed with wax, according to the Roman custom, and not with chalk or Cretan earth, as was the custom in Asia.[1] The orator concluded as usual with a passionate appeal to the pity of the jury, calling upon them to acquit the young man who was accused before them for the sake of himself, his father, and his family, and to preserve from ruin and for the service of the State the heir of a glorious name.

In the mean time Cæsar had been invested by a law (*lex Vatinia*) — brought forward and carried by

[1] For the use of clay seals amongst the ancient Assyrians, see Rawlinson's *Ancient Monarchies*, Vol. I. p. 331.

Vatinius, a tribune of the people, and one of his creatures — with the command, for five years, of Cisalpine Gaul and Illyricum, with three legions. This was an extraordinary appointment, and had been conferred by a special enactment. But the Senate, fearing that the people would go farther and ignore them altogether, made a merit of necessity, and themselves conferred on him, in addition, the command of Gaul beyond the Alps, with another legion. They little thought that by so doing they were signing the death-warrant of the liberties of Rome. Cæsar, still anxious to conciliate Cicero offered to make him one of his lieutenants, and pressed the office upon him, as he himself expresses it, in a very handsome manner. At the same time he had a *libera legatio* given him by the Senate; that is, as previously explained, permission to travel with the privileges of an ambassador; and he hesitated between the two. He seems, however, to have accepted the former — at least nominally; but he had no intention at that time of leaving Rome. "I do not like to fly," he writes to Atticus, "I wish to fight. I have zealous friends on my side; but I say nothing positively. This to you in confidence."

But a much more important event had just happened. Clodius, now qualified as a plebeian, had, at the beginning of April, announced himself a candidate for the tribuneship, and was chosen in July one of the tribunes for the following year. Plutarch and Dio Cassius both say that he owed his election to the influence of Cæsar, which is extremely probable. And yet at first it seemed as if he was going to turn against his patron. He saw how un

popular the triumvirs had become, and threatened to attack them. But more prudent counsels prevailed. He knew that they were rich and powerful and backed by military force, so that, abandoning the thought of opposing them, he resolved to spring upon a weaker prey, and gratify his long cherished hatred of Cicero. Clodius had indeed protested with an oath to Pompey that, if made tribune, he would do Cicero no harm. This promise Pompey had exacted from him, for he declared that he should be covered with eternal disgrace if Cicero was injured by the man in whose hands a weapon had been placed by himself in permitting him to become a plebeian. Pompey, therefore, gave Cicero the most fervent assurances that he was safe. He told him that if Clodius broke his word and attacked him, then the world should see that nothing was dearer to himself than Cicero's friendship. And did Cicero believe this? He did, and he did not. "Pompey loves me," so he writes to Atticus; "and treats me with affection. 'Do you believe it?' you will ask. I do believe it: he makes me believe it. But we are warned by precepts both in prose and verse to be on our guard and avoid credulity. Well! I take care to be on my guard; but incredulous of his professions I cannot be."

But whatever might be Pompey's sincerity, Clodius had no intention of keeping his promise. He spoke to others in the bitterest terms of Cicero, who no longer disguised from himself the fact that either by open violence or under color of the forms of law his enemy would attack him. But this gave him at first little uneasiness, and he treated the matter lightly

He never fully realized the weight of the impending blow until it fell, and for a time crushed him. Indeed, he almost courted the attack; for abstaining as he had done from politics of late, and confining himself to the duties of an advocate, in which he still shone with unrivalled splendor, he had recovered much of his old popularity. His house was thronged with clients and visitors; he was greeted cordially in the streets; men professed zealous attachment to his person; and the memory of his consulship seemed to be revived. Let Clodius now do his worst: Cicero thought himself more than a match for him. He had not, with all his experience, realized the truth that

> "An habitation giddy and unsure
> Hath he that buildeth on the vulgar heart;

and he did not estimate aright the strength and resources of his adversary.

But he soon changed his tone. Not long after he had expressed himself thus confidently, almost defiantly, we find him writing to Atticus in real alarm at Clodius's threats, and conjuring him to come to Rome: "If you love mé as much as you certainly do love me — if you are sleeping, awake; if you are standing, walk; if you are walking, run; if you are running, fly. You can hardly believe how much I rely upon your advice and sagacity, and more than all upon your love and fidelity. The importance of the subject requires perhaps a long detail; but the intimacy of our souls makes us content with brevity."

In August, Rome was agitated by the news of a plot which appears to have been as unreal, and to have been concocted with as much baseness, as the

famous Titus Oates plot in our own history. We have seen that Curio was at this time an active leader of Opposition, and, according to Cicero's account, Cæsar resolved to destroy him. Vettius, a Roman knight who had been useful to Cicero in Catiline's conspiracy, took upon himself the disreputable office of a common informer. He promised Cæsar that he would involve Curio in the meshes of a conspiracy, or would at all events accuse him of it. For this purpose he affected his society, and when sufficiently intimate with him, made him the confidant of a plan which he said he had formed to kill Pompey. Some writers say that he professed his intention to kill Cæsar also, and other leading senators. Curio immediately told this to his father, and his father informed Pompey. The matter was brought before the Senate, and Vettius was introduced to the assembly. At first he denied that he had had any communication with Curio; but almost directly afterwards retracted this statement, and offered to reveal the truth if his safety was publicly guaranteed. This was promised; and he then declared that a band of young men, amongst whom he named Paulus Æmilius, Brutus,[1] Lentulus, and others, with Curio as their leader, had formed a conspiracy. He added that C. Septimius, a secretary of Bibulus, had brought him a dagger from Bibulus, to enable him to assassinate Pompey. This was rather too much; and the Senate laughed at the idea

[1] Cicero calls him Q. Cæpio Brutus. This was M. Junius Brutus, the future assassin of Cæsar. He had recently been adopted by his maternal uncle Q. Servilius Cæpio, and for some time, according to Roman usage, was known by his uncle's name in addition to his own surname.

of Vettius getting his dagger from the consul, as if he had no other weapon for his purpose. Besides, it was proved that some time before Bibulus had himself warned Pompey to be on his guard, for which Pompey had thanked him. Curio was brought in, and totally denied the charge. A further proof of its falsity was shown by the fact, that at the time when, according to Vettius, a meeting of the young men was held to settle a plan for attacking Pompey with a band of gladiators in the Forum, at which he alleged that Paulus Æmilius took a leading part, Æmilius was absent in Macedonia. The Senate, therefore, ordered that Vettius, since upon his confession he had carried a dagger with a murderous intent, should be thrown into prison; and they significantly added a resolution, that whoever let him out would act as an enemy of the State. The resolution and order of the Senate were brought before a meeting of the people, at which Cæsar, in spite of what the Senate had ordered, had the hardihood to introduce Vettius from jail, and permit him to address the multitude from the honorable post of the Rostra; — a place from which, Cicero tells us, Cæsar, when he was prætor, had not allowed Catulus to speak, but compelled him to stand on a lower platform. Vettius put a bold face on the matter, and now accused some of the noblest of the senators whom he had not previously named, such as Lucullus, Fannius, Domitius Ahenobarbus, and others; but he made no allusion to Brutus, whom in the senate-house he had specially denounced as privy to the conspiracy. He did not mention the name of Cicero, but said that an eloquent ex-consul,

who lived near the consul,[1] had told him that the times required a Servilius Ahala or a Brutus. This, of course, sufficiently pointed at Cicero. He afterwards added that Piso, Cicero's son-in-law, and M. Laterensis, were privy to the plot. Vettius was immediately sent back to prison; and, notwithstanding the public assurance that had been given him of personal safety, he was to have been arraigned before Crassus, as prætor, on an indictment for attempt to murder; and Cicero says that he intended, if condemned, to earn a pardon by making a fuller confession, and implicate more parties in the conspiracy. But in the mean time it was given out that he had destroyed himself in prison. Perhaps he had: but his death was as mysterious as were those of Wright and Pichegru in the Temple when Bonaparte was First Consul. Cicero afterwards charged Vatinius the tribune with having caused him to be strangled; and, if this was true, there is little doubt that Vatinius acted on instructions from a higher quarter.

In giving to Atticus the substance of the above narrative (except as to the death of Vettius, which had not then happened), Cicero declared that he had no fears for himself. The greatest good-will was shown to him; but he was utterly weary of life. No one was more unfortunate than himself, no one more fortunate than Catulus, both in the glory of his life and the happiness of his death before this evil time. However, he kept, he said, his mind firm and undisturbed, and was determined to preserve his reputa-

[1] Cæsar was not only consul but pontifex maximus, and as such inhabited the house of the Collegium Pontificum by the side of the Via Sacra, apparently just under the Palatine Hill where Cicero's house stood.

tion with honor. Pompey told him to be under no apprehension from Clodius, and in the most marked manner assured him of his friendship.

While he was at his Antian villa this year he chiefly studied history, though he declared that nobody was lazier than himself. He wrote to Atticus that he intended to make a collection of anecdotes of his contemporaries in the style of Theopompus; but he does not appear to have completed, or, at all events, published the work, which would have been a most welcome help to our knowledge of the men of his day. He promised his friend a rustic welcome at his villa near Arpinum, and said that, in the controversy, Which is the best kind of life, — the life of action or the life of contemplation? the former of which was maintained by Dicæarchus, and the latter by Theophrastus, — he thought that he practically sided with both. Certainly, he says, he had abundantly satisfied Dicæarchus, and would in future seek happiness more in the bosom of his family, which not only offered him repose, but blamed him for not having always sought it.

CHAPTER XII.

THE EXILE.

Æt. 49. B. C. 58.

We now come to the most melancholy period of Cicero's life — melancholy not so much from the nature and extent of the misfortune that overtook him, as from the abject prostration of mind into which he was thrown.

We fail to recognize the orator and statesman — the man who braved the fury of Catiline, and in the evening of his life hurled defiance at Antony — in the weeping and moaning exile. He was not deficient in physical courage; he met a violent death with calmness and fortitude; but he wanted strength of character and moral firmness to support adversity.

The consuls of the new year (B. C. 58) were Piso and Gabinius, two men whose character Cicero has painted in the blackest colors. Piso was a near relative of Cicero's own son-in-law, Calpurnius Piso Frugi, and his daughter Calpurnia was the wife of Cæsar. He was of morose aspect, and rough unpolished manners, but dissolute to the last degree. If we may credit the picture drawn of him and his colleague Gabinius by Cicero, two such infamous men never disgraced the office of consul. They were sunk in the lowest and most monstrous debauchery.

He calls Gabinius in scorn, amongst other opprobrious epithets, a "curled dancer," and says that Piso might be taken for one of a gang of Cappadocian slaves. Both had been strongly supported by Cæsar and Pompey in their canvass for the consulship. They lent themselves readily to Clodius's wishes, who, having entered upon the office of tribune in December, proceeded with consummate skill to execute his design of crushing Cicero. His first care was to ingratiate himself with the three orders — the Senate, the Knights, and the People. With this view he proposed several laws in the interest of each respectively, and, in order to secure the two consuls, he bribed them with the offer of proposing a special law to the people to confer upon them select provincial governments, instead of letting them take their chance as usual by lot. Piso thus got Achaia, Thessaly, Peloponnesus, Macedonia, and Bœotia; and Gabinius, Syria, Babylon, and Persia. We can well imagine the visions of plunder that rose before their eyes at such a prospect.

Everything was now ripe for the final blow. At a meeting of the people in their comitia, Clodius came forward and proposed the following law: — "Be it enacted, that whoever has put to death a Roman citizen uncondemned in due form of trial, shall be interdicted from fire and water." Cicero's name was not mentioned; but it was a bill of pains and penalties against him; and he called it therefore a *privilegium*, that is, a law not of general but special application. He saw at once the imminent peril in which he stood. If it passed, he was undone; for there was no doubt that Clodius would see it exe-

cuted to the letter. His only chance of safety lay in exciting the sympathy of the sovereign people, and enlisting their compassion on his side. For this purpose he dressed himself in mourning and went about the streets beseeching the pity of the populace, as if he were canvassing for their votes at an election. The whole equestrian class put on mourning also. All Italy seemed moved at the thought of Cicero's danger. Deputations of burghers came up from distant towns to Rome to implore the consuls to protect him. When he appeared as a suppliant in the Forum or the streets, he was accompanied by large bodies of friends in mourning, for twenty thousand of the noblest youths of Rome testified their attachment and their sorrow by changing their dress. As the procession moved along it was insulted and mobbed by Clodius and a gang of ruffians, who pelted Cicero with stones and mud. It is difficult for us to realize the scenes of lawless riot, of which the streets and Forum of Rome were the witness in those days. They were not unlike the bloody feuds that raged in the streets of Genoa and Venice and Verona in the middle ages.

The Senate met and passed a resolution that the whole house should go into mourning. But Gabinius (Piso being absent on the plea of ill health) interfered, and, by virtue of his executive power as consul, prohibited such a mark of respect. Knights and senators flung themselves at his feet in vain; and Clodius was at the door with an armed rabble ready to enforce the consul's order. Upon this numbers of the senators tore open their robes, and with cries of indignation rushed out of the senate-house. Cicero at-

tempted to gain Piso on his side. He went to his house, accompanied by his son-in-law, Piso Frugi, the consul's relative, and there had an interview with him. But it led to nothing. Piso said that Gabinius could not do without Clodius, and, as for himself, he must stand by his colleague, as Cicero had stood by Antonius when he was consul : every one must take care of his own safety.

In the mean time, what was Pompey doing? Where was the friendship he had so often professed for Cicero, — where were the promises he had made when he swore that he would defend him against Clodius with his life? Whether it was from fear or treachery, or both, he abandoned him to his fate. He had retired to his villa called Albanum, near the modern town of Albano, about twenty miles from Rome, not, we may well believe, because he credited the reports which Clodius and his partisans spread, that his life was threatened by Cicero's friends, but because he wished to take no active part in the disgraceful proceedings that were going on, and to avoid the importunities of the most distinguished men at Rome, praying him to exert his influence to put a stop to them. But Lucullus and Torquatus and Lentulus, who was then prætor, and other noblemen, hastened to him, and urgently entreated him not to abandon his friend, with whose safety the welfare of the State was bound up. Pompey coldly referred them to the consuls, saying that he, as a private individual, would not enter on a contest with an armed tribune of the people; but, if the consuls and the Senate were willing to do so and called upon him to assist, he was ready to draw the sword.

In the extremity of his despair, Cicero made a last effort to save himself. He went to Albanum and humiliated himself so far as to throw himself on the ground at Pompey's feet, who did not even ask him to rise, but told him as he lay there that he could do nothing against the will of Cæsar. Plutarch indeed gives a different account, and says that Pompey avoided the interview by slipping out at a back-door. But we have Cicero's positive statement that the scene occurred as I have related it, and this is, of course, conclusive. What, then, was he to do? Four courses were open to him, and they were all deliberately discussed by himself and his friends. Either he might meet Clodius in an armed contest in the streets; or in a criminal trial in the courts of law; or he might seek safety in flight; or he might commit suicide. Lucullus counselled him to stay, and, if necessary, fight for his life. His friends were numerous and would stand by him, if it came to blows; nor was there any reason to fear that they and their followers would not be more than a match for the armed rabble of Clodius. This, no doubt, was the bold and manly course, and Cicero bitterly regretted afterwards that he did not adopt it. But he had a horror of violence and bloodshed; and it was not in his nature to act as Cæsar, or Cromwell, or Napoleon would have acted at such a crisis. Cato, Hortensius, and Atticus, and his own family, advised him to quit Rome, assuring him that in a very few days he would be brought back in triumph. As to suicide, all his friends, and especially Atticus, appear to have dissuaded him from it. From a Roman point of view, such an act would have been justifiable, for

according to heathen ethics, suicide was preferable to disgrace.

Cæsar was still at Rome, but outside the walls, having assumed the command of his army; and Clodius assembled the people in the Circus Flaminius beyond the gates, where Cæsar could be present, it not being lawful for him to remain inside the city now that he was at the head of his legions. Clodius there publicly asked Cæsar what he thought of Cicero's conduct in his consulship. He replied that the proceedings against the associates of Catiline were contrary to law, as he had repeatedly asserted; but that in a matter so long gone by and ended, he thought they ought not to judge severely — he himself always preferred mild measures. This was all that the most powerful of the Romans would say on Cicero's behalf, and he was left to his fate. He had long kept in his house a small statue of Minerva, who was regarded as the tutelary deity of Rome, as well as of Athens. This he took to the Temple of Jupiter in the Capitol, and there dedicated it with the inscription MINERVÆ CUSTODI URBIS. He then quitted the city, accompanied outside the walls by a large body of friends in tears. But he left his family behind, not wishing to involve them in the discomforts of a journey, of which he hardly then knew the direction or the limit. He buoyed himself up, however, with the hope — which was increased by the assurances of his too sanguine friends — that in a few days he would be recalled back to Rome.

It was about the twentieth of March when he turned his back upon the city, and the same day Clodius brought before the people a bill interdicting

Cicero (naming him) from fire and water, and enacting that no one should receive him in his house within five hundred miles of Italy. This was the purport of the bill, but the untechnical way in which it was worded gave Cicero the opportunity, after his return, of ridiculing the blundering draftsman who had framed it. The language of the first section or paragraph ran thus: — "Is it your pleasure, and do you enact, that M. Tullius *has been interdicted* from fire and water?" instead of enacting that M. Tullius "*be interdicted.*" Now, as the interdiction was the consequence of, and could not precede the law that created it, it was manifestly nonsense to enact that something *had* happened which had not yet taken place. But Clodius cared little for technical accuracy, provided he could pass the measure which would outlaw his hated enemy, and make him a homeless and houseless fugitive. It was further enacted that, if Cicero was seen within the forbidden limits, both he and all who gave him shelter might be killed with impunity. But, to the honor of Italy be it said, this barbarous clause was treated as a dead letter, and disregarded by everybody.[1]

An alteration was made in the bill before it was finally submitted to the vote, and four hundred miles were substituted for five hundred. The Forum was filled with slaves and partisans of Clodius, many of whom were armed; and in the midst of noise, and tumult, and confusion, the bill passed and became law.

Without a moment's delay it was put in force in all its terrible severity. Cicero was at once treated

[1] Pœna est, qui receperit: quam omnes neglexerunt. — *Pro Domo*, c. 20

as beyond the pale of the law, and his property was confiscated. Before nightfall his house on the Palatine Hill was in flames and reduced to ashes. His Tusculan and Formian villas were afterwards plundered and laid waste. On part of the site where the Palatine house had stood Clodius erected a temple, which he dedicated to Liberty; and he pulled down the adjoining portico of Catulus, and built another, to which he gave his own name.

Let us follow the footsteps of the exile. He seems to have travelled slowly, hoping for a time to hear that he was recalled. He left Rome no doubt by the Capuan Gate (*Porta Capena*), and followed the Via Appia, which runs towards the south, as it may still be seen, paved with its large irregular slabs of stone, just as when Cicero passed along it on his melancholy journey. On the eighth of April he was somewhere in Lucania (part of the modern kingdom of Naples), on the road to Vibo, a small town on the coast, now Monte Leone. Here he wrote to Atticus, and begged him to come to him, saying, "I know that the journey is a troublesome one, but my calamity is full of all kinds of trouble." He told his friend that, unless he accompanied him, he should not venture to cross over to Epirus, in case it should be necessary to leave Italy, because Autronius, a fellow-conspirator with Catiline, was then living in exile in the neighborhood, and he was bitterly hostile to Cicero, as one of the authors of his banishment. He concluded his letter with the words, "More I cannot write. I am so distressed and cast down." His intention was to go to Sicily, of which Virgilius was governor, or to Malta; and he proceeded as far as Vibo, close to which a

friend of his named Sica had a farm, in which he generously received him. It seems to have been about this time that he had the dream to which he alludes in his treatise *de Divinatione*. A vision of Marius, with his laurelled fasces, appeared to him, and asked him why he was so sad. He answered that he had been expelled from his country, upon which Marius took him by the hand, bade him be of good cheer, and ordered one of his lictors to conduct him to his own monument or temple, where he would find safety. His faithful freedman, Sallust, who was with him, declared that this betokened a speedy and happy return.[1]

While he was staying with Sica, a letter was sent to him from Virgilius forbidding him to cross over to Sicily. At the same time he got a copy of Clodius's bill, as amended and passed, which limited the distance within which he was not to reside to four hundred miles. This, however, made it unsafe for him to stay at Vibo, and he was also obliged to abandon the idea he had formed of going to Malta. He, therefore, turned his steps in the direction of Brundusium, the most convenient port for reaching the opposite coast of Greece. On the tenth of April he was at Thurii, and wrote to Atticus, telling him how grateful Terentia was for all his kindness to her, and describing his own wretchedness. His family

[1] This dream was regarded by Cicero as prophetic, and was supposed to have its fulfilment in the fact that the decree of the Senate recalling him was made in the temple constructed by Marius out of the spoils taken in the Cimbrian Wars, and called on that account *Monumentum Marii*. We may remember that something of the same kind is said to have occurred in the prophecy of the death of Henry IV. —

"In that Jerusalem shall Harry die"

THE PORT OF BRUNDUSIUM

Vol. i. p 243.

had great need just then of friendship and protection, and, if we may believe what he says in one of his speeches, and it is not an oratorical exaggeration, even the lives of his children were threatened.[1]

On the eighteenth of April he arrived at Brundusium, where he got letters from Atticus earnestly begging him to cross over to Epirus, and stay at his country seat there, in the neighborhood of Buthrotus. The house was a fortified one, which Cicero admitted would be an advantage, if he took up his abode in it, and he could there enjoy the solitude he sought. But it was out of the way if he adhered to his intention of going into Asia Minor, and was too near the residence of Autronius, who had an armed band of desperadoes with him. He wished to make Athens his place of sojourn; but was afraid that it would be considered to be within the prohibited distance from Italy. In fact, he was sorely puzzled and perplexed what to do. He wrote to Atticus, and told him that his advice and remonstrance prevented him from laying violent hands on himself, but could not make him cease to regret that he had adopted the plan of flight instead of committing suicide.

He did not stay in the town of Brundusium, fearing to compromise the safety of the friendly inhabitants, but occupied for a fortnight a building in the gardens of a Roman knight, M. Lænius Flaccus, who, braving all danger of the Clodian law, afforded to the unhappy exile the shelter of which he stood so much in need. His first letter to Terentia, during his banishment, that we possess is dated from this place, and gives a most melancholy picture of his

[1] *Pro Sext.*, 24.

state of mind. He says that he would send letters oftener to her, but whenever he writes to her or receives letters from her, he is so blinded by tears that he cannot bear it.

"Ah!" he exclaims, "that I had been less desirous of life! assuredly I should have seen nothing, or at all events not much, of misery in life. But if fortune preserves me to the hope of recovering any of the blessings I have lost, I have been less guilty of error but if these evils admit of no change, still I wish to see you, my life, as soon as possible, and die in your embrace, since neither the Gods whom *you* have most religiously worshipped, nor men whom *I* have served, have shown us any gratitude."

The language of his grief is almost incoherent, and is painful to read. He bursts out:

"O! lost and afflicted as I am, why should I ask you to come to me? You a woman, weak in health, worn out both in body and mind! Yet must I not ask you? Can I then exist without you? . . . Be assured of this, if I have you I shall not think myself wholly lost. But what will become of my darling Tullia? Do you both see to it. I can give no advice. . . . And my Cicero, what will he do? I cannot write more — my grief prevents me. I know not what has become of you — whether you still keep anything, or, as I fear, have been utterly ruined. I hope that Piso (his son-in law) will, as you write, always remain true to us."

He then alludes to the emancipation of their slaves, and tells her not to trouble herself about them. His wife seems throughout to have acted with firmness and courage, and to have done her best to rouse the drooping spirits of her husband, who had abandoned all hope. He goes on —

"As for what remains, my Terentia, support yourself as you best can. I have lived with honor. I have enjoyed prosperity. It is not my crimes, but my virtue, that has crushed me. I have committed no fault except that of not having lost my life when I lost

all that adorns life. But if it was my children's wish that I should live, let me bear the rest, although it is intolerable. And I who console you cannot console myself. . . . Take all the care possible of your health, and remember that I am more disturbed by your sorrow than my own. Farewell, my Terentia, my most faithful and best of wives! and my dearest daughter, and Cicero, our only remaining hope!"

Is it possible to believe that the wife to whom he thus wrote was a jealous, imperious, and bad-tempered woman? and yet this is what Plutarch, and those who follow Plutarch, would wish us to suppose.

At the end of April, Flaccus accompanied him on board a vessel which left the port of Brundusium, and after a stormy passage they reached Dyrrachium, on the opposite coast. Here he met with a kind and hospitable reception, for there were old ties of friendship between himself and the Dyrrachians, whose patron he had been at Rome; but he did not dare to remain. He dreaded the neighborhood of Autronius and other banished or fugitive conspirators, and he was anxious to reach Macedonia, of which, at that time, his friend Cnæus Plancius was quæstor. When Plancius heard of his arrival at Dyrrachium, he hastened to meet him, not only without any of the pomp of office, but dressed in mourning. Cicero took the most northerly route to the province, and the two friends met on the way. They embraced each other silently in tears, their hearts being too full for words; and then Plancius turned and accompanied him to Thessalonica, where they arrived on the twenty-third of May, and where Cicero took up his abode for seven months in the house of his friend.

He wrote to Atticus from Thessalonica, and told

him that he intended to follow his advice, and wait until the journals of the Senate for May (*Acta mensis Maiæ*) reached him, that he might know what was done.[1] He bitterly reproaches himself for the blindness of his folly in having trusted a man who had betrayed him, and from subsequent letters he appears to have here alluded to Hortensius; but at the same time he throws blame upon Atticus for not having been more sharp-sighted than himself. There seems to have been no real ground for Cicero's suspicions that Hortensius had played him false; but it is abundantly clear that for some time he was under this painful impression. We know, however, how completely the feeling passed away, and in what touching language he spake of his glorious rival when he died.

In a letter to his brother, written on the fifth of June, he gave vent to his feelings in a burst of passionate grief: —

"My brother! my brother! my brother!" he begins, "To think that you feared that out of anger I sent a messenger to you without a letter, or that I even did not wish to see you! That I should be angry with you! *Could* I be angry with you? . . . . That I was unwilling to see you! Yes! I *was* unwilling to be seen by you. For you would not have seen your brother — not him whom you had quitted; not him whom you had known; not him whom you left in tears at your departure, when you were yourself in tears — not even a trace of him — not a shadow, but the image of a breathing corpse. And would that you had before this seen me dead or heard that I was dead. Would that I had left you the survivor and heir, not only of my life but of my rank and reputa-

[1] This is a sufficiently correct rendering of the word *Acta*. A diary or journal of the proceedings of the Senate was kept, and it is the nearest approximation to a gazette that existed in ancient Rome.

tion. But I call to witness all the gods that I was deterred from death by this sole consideration — that all declared that with my life some part of yours was bound up. Therefore I erred and acted wickedly. For if I had died, death itself would have asserted my affection and love towards you. Now I have brought it to pass that though I live you cannot be with me — and I have lost others — and in the perils of my home and family my voice was powerless which had often been a protection to those who were utter strangers to me."

Enough has been given to show the tenor of Cicero's letters at this period, and to make us grieve for the weakness of so eminent a man. Like the roll of Ezekiel, there is written therein lamentation, and mourning, and woe. Seldom has misfortune so crushed a noble spirit, and never perhaps has the "bitter bread of banishment" seemed more bitter to any one than to him. We must remember that the love of country was a passion with the ancients to a degree which it is now difficult to realize; and exile from it, even for a time, was felt to be an intolerable evil. The nearest approach to such a feeling was perhaps that of some favorite under an European monarchy, when frowned upon by his sovereign he was hurled from place and power and banished from the court. The change to Cicero was, indeed, tremendous. Not only was he an exile from Rome, the scene of all his hopes, his glories, and his triumphs, but he was under the ban of an outlaw. If found within a certain distance from the Capitol, he must die; and it was death to any one to give him food or shelter. His property was destroyed, his family was penniless, and the people whom he had so faithfully served were the authors of his ruin. All this may be urged in his behalf; but, still, it

would have been only consistent with Roman fortitude to have shown that he possessed something of the spirit of the fallen archangel, who exclaimed —

> "What matter where if I be still the same?
> The mind is its own place, and of itself
> Can make of Heaven a Hell, of Hell a Heaven."

Wieland was so impressed with this painful exhibition of Cicero's weakness, that he says that good service would have been done to his reputation if his freedman Tiro, or whoever it was that collected and published his letters, had taken the whole of those he wrote to his wife, to his brother, and to Atticus, during his exile, and thrown them into the fire. Middleton mourns over the weakness of his idol, but, determined if possible to excuse him, says, that "to have been as great in affliction as he was in prosperity would have been a perfection not given to man." But we cannot accept this view. In prosperity Cicero was far from being faultless, although in moral and social qualities he shone like a star amidst his contemporaries. But what we complain of is not that he was not equal to himself in misfortune, but that he fell so far below himself, and showed a pusillanimity which it is humiliating to contemplate. And yet it is better that this should be known, in order that we may appreciate his real character, than that we should have been imposed upon by the destruction of his letters, and led to believe that he was something different from what he was. For if they had been destroyed, and we had to depend for our knowledge of his demeanor during his banishment solely upon his speeches and

letters after his return, we should form a most erroneous estimate of the facts. There he speaks bravely enough of himself, and would have the world suppose that he quitted Rome, not because he was afraid for himself, but solely out of regard to the public interest; and that he bore his calamity with the same courage he had displayed when he faced the conspiracy of Catiline.

During all this trying period Atticus acted the part of a true friend. He assisted Terentia with money, and devoted himself in every way to the interests of Cicero. He tried to cheer the fainting heart of the exile with hope, and to force him to take a more manly view of his position, but in vain. So extravagant was his grief that people began to believe that his mind was affected by insanity. To all the reproaches of Atticus, who strove by that means to shame him into fortitude, he opposed the magnitude of his ruin, and perpetually contrasted the height to which he had once risen with the depth to which he had now fallen. He entreated his friend to spare him, but he was not so ready to spare his friend. In a remarkable letter written to him in August, he accuses Atticus of having allowed his affection to blind his judgment, and with the wayward injustice of a man who is determined to find fault, throws upon him part of the blame that such a calamity had overtaken him. But at the same time he expressed in the strongest terms his sense of his friend's services, and the deep obligation he was under to him. Indeed, nothing can show more clearly the sincerity of the friendship between these two eminent men than the liberty, so to speak, which

they took with each other in telling home truths. Cicero did not hesitate to reproach Atticus and Atticus Cicero, when each thought the other in the wrong, with a plainness and frankness which it is more easy to admire than it would be generally safe to imitate. But he wronged his friend when he complained of his conduct with reference to his exile. Never did man find in misfortune more devotion than he found in Atticus and Quintus, and he fully experienced then the truth of the divine and touching aphorism, "a friend loveth at all times, and a brother is born for adversity."

In one of his letters about this time there is a curious passage, which is not very creditable to him. It appears that some speech which he had written against Curio, but not delivered, had, contrary to his intention, got into circulation without his knowledge, and was doing him harm. The composition, however, was careless, and so far it was unlike his style. It occurred to him, therefore, that he might deny the authorship. *Puto*, he writes to Atticus, *posse probari non esse meum*, and he begs him to take steps to that effect. So that in fact he was ready to tell a falsehood and disavow his own handwriting in order to escape the responsibility in which it might involve him!

During his stay at Thessalonica L. Tubero, one of Quintus's legates, came there and earnestly advised Cicero to go into Asia Minor, as he did not think him safe so near Achaia, where his enemies were active and powerful. But Plancius persuaded him to remain, although he hesitated long and was in as much perplexity and distress as ever. The

letters he received from his friends at Rome urged him not to go further away, and held out cheering assurances that better times were at hand. Sextius, one of the new tribunes elect, his son-in-law Piso, and Atticus, all advised him to stay at Thessalonica, as the aspect of affairs at Rome looked more favorable. Atticus and Varro tried to restore his confidence in Pompey, who had so meanly deserted him in the hour of danger, and they hinted that even Cæsar might be depended upon to assist him. Quintus also did his utmost to encourage and console his brother. But Cicero was like Rachel weeping and mourning and would not be comforted. He again and again reproached Atticus with want of foresight and judgment, and it must have been most painful to that faithful friend to receive his letters, although they did not in the slightest degree make him take offence or relax in his exertions. He continued to supply not only Cicero but his family with money, which he was now able to do more easily, as his rich uncle Cæcilius had died and left him his heir.[1] To add to Cicero's troubles he heard that his brother Quintus had met with the usual fate of Roman governors, and was impeached for illegal administration of his province. His accuser was a nephew of Clodius, and in the ordinary course of things his trial would come on before Appius Clodius, the elder brother of his enemy, who was then prætor elect.

In September Cicero declared his intention of going to Epirus, to the residence of Atticus, and in the bitterness of despair he begged his friend to let

[1] From this time Atticus assumed the name of Q. Cæcilius Q. Fil. Pomponianus Atticus

him have as much land as would suffice for a burial ground for his body. The soldiers of Piso, to whom had been assigned the proconsular government of Macedonia, now entered that province, and Cicero in terror quitted the hospitable dwelling of Plancius, and on the 26th of November arrived at Dyrrachium, where he was sure of a respectful welcome.

Let us cast a rapid glance at the events that had happened in the interval at Rome. Much against his will Cato had had an appointment forced upon him by Clodius, which it appears he either could not or did not think it prudent to decline. In June the tribune Ninnius, at whose instance the Senate had gone into mourning when Clodius introduced his bill of pains and penalties against Cicero, brought before the Senate, with Pompey's approval, a motion for his recall. The Senate unanimously resolved that the proposal should be recommended to the people in order that a law might be passed. But the tribune Ælius Ligur, acting under the influence of Clodius, interposed his veto. The Senate, however, adopted their usual expedient when they were in earnest. They resolved that they would transact no public business until the consuls introduced a new motion to the same effect. But the consuls refused to do this, and matters came to a dead lock. Pompey communicated through Varro to Cicero his willingness to serve him, but still insisted that he could do nothing without Cæsar's consent. On the eleventh of August a plot was discovered of Clodius to murder Pompey, who, in real or affected alarm, shut himself up in his house and declared that he would not go out until the period of Clodius's tribuneship had

expired. Of the two consuls Gabinius ranged himself on the side of Pompey, but Piso still acted under the influence of Clodius. So violent and lawless were the times that even the two consuls found themselves engaged on opposite sides in a street affray. The *fasces* of Piso were broken, and he himself was wounded by a stone. But a change of an important kind was approaching. The new consuls for the following year had been elected in July, and these were P. Cornelius Lentulus Spinther and Q. Metellus Nepos. Lentulus had been ædile when Cicero was consul, and was a warm friend of both him and Pompey. Metellus had been, as we have seen, the declared enemy of Cicero when he was tribune, but his brother Metellus Celer was Cicero's friend, and he did not wish to act in opposition to Pompey. Atticus also urgently appealed to his compassion on behalf of the exile, and, as the result proved, with success. The new tribunes elect, amongst whom was Titus Annius Milo, were almost all favorable to Cicero, and when on the twenty-ninth of October a fresh motion was made by Ninnius in the Senate for his recall, eight of them voted for it. These eight then brought forward a bill before the people founded on the resolution of the Senate, but it did not pass. Cicero himself did not approve of this bill, which did not go far enough to satisfy him. It provided only for the restitution of his civic rights and former rank, but made no mention of the restoration of his property, especially of his house on the Palatine, the destruction of which had much affected him.

Soon after he had taken up his residence at Dyrrachium the year of office of the existing tribunes ex

pired, and Clodius, no longer armed with that terrible power, became once more a private citizen, although of course he still remained a senator; and before the close of the year both the consuls Piso and Gabinius left Rome to assume the government of their respective provinces. The period had all but arrived which even Cicero had admitted would allow him to entertain hope. And yet even now he felt almost as much discouraged as ever. He was disappointed that Pompey and Cæsar did not declare themselves more openly in his favor, and on the last day of November he wrote to his wife in a fit of the deepest dejection: —

"I have received," he says, "three of your letters, which I have almost blotted out with my tears. For, my Terentia, I am worn out with sorrow; nor do my own miseries cause me more torture than those of yourself and yours. But in this I am more wretched than you, who are most wretched, because the calamity itself is common to us both, but the fault is my own. It was my duty either to avoid the danger by accepting an embassy, or resist with prudence and sufficient resources, or fall bravely. Nothing was ever more wretched, base, or more unworthy of myself than my conduct in this. Therefore while I am crushed by grief I am also crushed by shame. For I am ashamed that I was wanting in manliness (*virtutem*) and resolution to you, the best of wives, and my dearest children. For day and night I am haunted by the thoughts of your misery and sorrow, and the weakness of your health. But very slight hopes of safety are held out to me. My enemies are numerous, and almost all are envious of me. It was a great triumph to expel me; it is easy to keep me in banishment. . . . That our Piso devotes himself with extraordinary zeal in your behalf, I both myself perceive and everybody tells me the same.[1] May the Gods grant that I may be permitted to enjoy the

[1] Piso was this year quæstor of Pontus and Bithynia, but instead of going to his province he remained in Rome, to do what he could for the cause of his father-in-law

society of such a son-in-law, along with you and our children . . . Pray be careful of your health, and be assured that nothing is, nor ever was, dearer to me than you. Farewell, my Terentia, whom I fancy I see, and therefore I am weakened by my tears. Farewell!"

It is a great pity that none of the letters of this affectionate and true-hearted woman have been preserved, that we might have read the outpourings of her heart and seen the way in which she sought to cheer and sustain the broken spirit of her husband. Time, however, has been a ruthless destroyer of female correspondence; I am not aware that we possess a single letter written by a Greek or Roman lady before the Christian era. The comparatively low estimation in which the sex was held in ancient times made the copyists disregard them, and female authors were unknown at Rome. But gladly would we exchange many a literary relic of antiquity for a collection of the letters of Terentia written to Cicero during his banishment. On the same day he wrote to Atticus and said:—

"But if there is no hope (as I perceive both by your conjecture and my own) I pray and adjure you to cherish with affection my brother Quintus, miserable as he is, whom I have miserably ruined. Protect, as well as you can, my Cicero, to whom, poor child, I leave nothing but the odium and ignominy of my name; and support by your good offices Terentia, of all women the most destitute and afflicted."

Atticus left Rome in December, and on his way to his country-seat in Epirus paid Cicero a visit at Dyrrachium.

And so the first year of his banishment passed away.

CHAPTER XIII.

THE RETURN.

Æt. 50. B. C. 57.

The new year opened auspiciously for Cicero. From all parts of Italy deputations had come up to Rome to intercede on his behalf. On the first of January, the very moment after the sacred rites were over with which the consuls inaugurated their office, Lentulus brought forward, in a crowded Senate, a motion for his recall. His colleague Metellus supported him, and L. Cotta, who had been consul a few years previously, insisted that as the proceedings against Cicero had been wholly illegal and contrary to usage, no fresh law was required to enable him to return. He proposed that he should be not only recalled, but recalled with distinguished marks of honor. Pompey, however, was of opinion, and he seems to have been right, that an edict of the people (*lex*) was necessary to give validity to a resolution of the Senate. For the banishment of Cicero had been ordained by a law passed by an assembly of the people legally convoked; the enactment was still in force and would remain so until repealed by the same authority that passed it. The Senate agreed in this view, and a resolution to that effect would have been carried forthwith had not Serranus, one of the trib-

unes, who had been quæstor during Cicero's consulship, and as he says loaded by him with benefits, not venturing to interpose his veto, forced on an adjournment on the pretext that a night was required for deliberation. He was entreated by the Senate to give way, and his father-in-law Cnæus Oppius flung himself in tears at his feet in vain. The deliberation that Serranus wanted was soon explained. It was to increase the amount of the bribe he received from Clodius, and the night was spent in adjusting the terms of the bargain. This adjournment led to further delay, and it was not until the 25th of January that a bill for Cicero's recall, notwithstanding the continued opposition of Serranus, was brought before an assembly of the people. But Clodius was as desperate as ever, and attended by an armed band of gladiators, whom he had got from his brother, who was going to exhibit them at a show on the occasion of the funeral of a relative, he rushed into the Forum, and a riot ensued in which blows were struck and several lives were lost. The tribune Serranus was severely wounded, and Quintus Cicero narrowly escaped with his life; indeed he was left for dead on the ground. The consequence was that the bill did not pass, and Clodius enjoyed a temporary triumph.

This affords a strong illustration of the evils of the constitution of Rome. All Italy, the Senate, the two consuls, all the tribunes with one exception, Pompey and Cæsar (who was however absent) the two foremost men of Rome, an overwhelming number of the nobility and respectable class of citizens wished for Cicero's return, and yet the wishes of all were frustrated and their action paralyzed by the violence of

one bold bad man. But the explanation is easy Every Roman burgher had the franchise, and his vote was as good as that of the wealthiest and most powerful citizen. But the lower class of the Roman population was needy and corrupt, and in the tumultuous throng that crowded the Forum or the Circus when the people assembled to vote, there were always numbers ready for a riot or a revolt. There was no true balance of power in the constitution. No law could be passed without an appeal to universal suffrage, and what the sovereign people chose to ordain, even where legal formalities were not observed, had generally the force of law.

When Cicero heard of what had happened on the twenty-fifth of January he was in despair. Before that, when the news of the Senate's resolution reached him, he had determined, come what might, to go to Rome even though the law for his restoration were rejected by the people. But his resolution failed him when he found that Clodius was still master of the field.

Clodius was impeached by Milo for his illegal violence at the comitia, but his brother, who was prætor, with the aid of Metellus the consul, and Serranus the tribune, threw over him the protection of an extraordinary edict, and he laughed at the courts of law. He relied on his gladiators, and Milo took into his pay a band of the same kind of ruffians to protect himself in case of attack. The Senate again passed a resolution that they would entertain no public business until Cicero was recalled. Public letters were dispatched in the name of the consuls to the Italian towns, inviting them

to send to Rome those who wished well to the Republic and were anxious for his return. Orders were given to all legates and quæstors in any province where he might happen to be, to treat him with respect and afford him assistance; and Pompey also at last strenuously exerted himself in his behalf. To keep the people in good humor, Lentulus gave them their favorite amusement of shows and games; and while they were thus occupied, the Senate met in Marius's Temple of Honor and Virtue, and resolved that a bill should be introduced for Cicero's restoration. On the same day a scene occurred in the theatre, which showed how anxious the people were to have him back. The favorite tragedian, Æsop, was acting in the Andromache of Ennius, when several passages of the play were caught up by the audience as allusive to the fate of Cicero, and they testified their wishes by their applause.

But Clodius was able still to baffle the Senate, and in some unexplained manner prevented the bill from coming before the people. It was now the month of May, and the Senate assembled in the Temple of Jupiter in the Capitol, to make another effort for the great object they had in view. Pompey addressed them, and in the course of his speech called Cicero the savior of his country. A resolution in his favor was again passed in a senate consisting of more than four hundred members, and as the senators afterwards in the course of the day entered the theatre to see the games that the consuls were exhibiting, they were tumultuously cheered by the spectators. On the next day Lentulus, and Pompey and Servilius, and other distinguished men, ha

rangued the people in the Forum, and as we may well believe, reminded them how long one eloquent tongue had been silent which had so often charmed them in that place. Stringent measures were taken to prevent the interposition of a tribune's veto or any further postponement of the measure. The Senate resolved that whoever attempted *de cælo servare*, "to watch the heavens," or create obstacles, was an enemy of the Republic, and would be so treated. They moreover resolved that unless the bill passed in five days, Cicero might return with a full restitution of all his rights and honors.

But difficulties still stood in the way. Three of the magistrates, Appius Claudius the prætor, and Rufus and Serranus, two of the tribunes, continued their opposition notwithstanding the resolution of the Senate, and two more weary months elapsed before the bill was brought before the people. At last, on the fourth of August, the good cause triumphed At an immense assembly of the people voting in their centuries in the Campus Martius, where from the highest to the lowest they flocked in incredible numbers, and where men of the noblest rank acted as distributors of the voting tickets and scrutineers (*diribitores et custodes*), the bill passed with hardly a dissentient voice, although Clodius addressed the multitude, and strove in a last effort to induce them to reject it. They paid no heed to the demagogue, and Cicero was recalled.

He had been kept well informed of what was going on at Rome, and felt so confident that the end of his exile was at hand, that he ventured to leave Dyrrachium for Brundusium on the very day on

which the bill passed for his return. The next day he landed in Italy. It was the fifth of August — the birthday of Tullia, his beloved daughter, and she was at Brundusium eagerly waiting to fling herself into his arms. She had just become a widow, her husband, Piso Frugi, who had so nobly stood by his father-in-law in his misfortune, having died a short time before. It was also the anniversary of the founding of Brundusium, the *jour de fête* of the town, and by a curious coincidence it was the anniversary of the dedication of the Temple of Safety there. The good citizens were jubilant with joy, and welcomed the wanderer back with the liveliest sympathy.

Soon afterwards he set out on his return to Rome, which he reached in twenty-four days. The time seems long, but he travelled slowly, detained by the demonstrations of respect and honor with which he was everywhere greeted. His journey was in fact one continued ovation. In the route he took he passed through Naples, Capua, Sinuessa, Minturnæ, Formiæ, — where no doubt he cast a lingering and sorrowful look towards his dismantled villa, — Terracina, and Aricia. From every town on the road the magistrates came out to offer their congratulations. The inhabitants crowded round the man in whose safety they had shown such a warm interest. The peasants abandoned their rustic labors in the fields, and brought their wives and families to see him as he passed. And from distant places deputations were sent to meet him, so that the roads were crowded by the throng. It was the gala week of all Italy, and his entry into every town and village on his route

was the signal for a festive holiday.[1] But his greatest triumph was yet to come. As he approached the Capitol by the Via Appia in September, the Senate came forth in a body beyond the walls to welcome him. A gilded chariot was waiting to receive him, and on this he mounted outside the gate. The whole population of Rome seemed to have deserted the city, and choked the road and adjoining fields. Well might Cicero say that that one day was equivalent to immortality (*immortalitatis instar fuit*). When he reached the Capuan gate he saw the steps of the temples of Mars and the Muses, which were inside the walls, filled by a dense crowd who rent the air with their shouts, — and as he slowly proceeded through the Forum along the Via Sacra to the Capitol, —

> "You would have thought the very windows spake,
> So many greedy looks of young and old
> Through casements darted their desiring eyes
> Upon his visage; and that all the walls
> With painted imagery had said at once,
> 'The Gods' preserve thee! welcome 'Cicero!'"

From the Capitol he went, as he says, *home*; but certainly not to his former home on the Palatine, which, as we know, no longer existed, but either to some temporary residence provided for him, or perhaps to the house of a friend. Next day he entered the Senate-house and took his accustomed seat.

He rose and addressed the Senate in a speech, which is too florid for modern taste, and too full of

[1] Plutarch declares that it was no exaggeration, and less than the truth, when Cicero declared that he was carried back to Rome on the shoulders of Italy. — *Cic.* c. 33.

compliments to everybody, including himself.[1] But we must remember the audience around him, and the character of the man. The intensity of his past sorrow was the measure of his present joy. His sensitive and impressionable mind, so easily elated and so soon depressed, bounded at the thought of his glorious return; and we must not measure with a cold and carping criticism the impassioned language in which the orator poured forth his thanks to the authors of his safety. The limits of this work will not allow me to do more than quote one or two short passages.

After lauding the Senate to the skies, and speaking in complimentary terms of the two consuls, he passed on to the delicate topic of his own conduct on the occasion of his flight from Rome. We may pardon him for giving this a complexion not quite warranted by fact. He had retired in terror at the violence of Clodius, and because he wanted nerve to follow the advice of those friends who counselled him to stay and fight his enemy with his own weapons; — and also because he had believed that in a few days he would be called back in triumph. Now, however, he sought to justify himself by the plea that his

[1] Both this however and the consecutive orations *ad Quirites*, *pro Domo suâ*, and *de Haruspicum Responsis*, are pronounced by Orelli and others to be spurious and made up of tesselated passages from the speeches *in Pisonem* and *pro Sextio*. Orelli thinks they were composed *ab inepto declamatore*, in the early part of the reign of Augustus, and that much use was made of Cicero's genuine work *de Expositione suorum Conciliorum*, which, according to Dio Cassius, was written in this year. Orelli gives no sound reason for this opinion; and, judging from internal evidence, I see no sufficient ground for discrediting them. There is indeed a suspicious similarity, or rather identity, in many passages between them and the Pisonian and Sextian orations, but the same objection may be made to the genuineness of those two if they are closely compared with each other.

only object was to spare the effusion of blood — and declared that he might have defended himself by force of arms.

"Nor was I," he says, "wanting in that same courage, which is to you not unknown! But I saw that if I had vanquished my present adversary, there were too many others whom I must vanquish also. If I had been vanquished, many good men must have perished, both for me and with me, and even after me. I saw that the avengers of a tribune's blood were ready on the instant, but that punishment for my death was reserved for the courts of law and for posterity. I was unwilling when as consul I had defended the common safety without having recourse to the sword to defend by arms my own safety as a private individual, and I preferred that good men should mourn over my misfortunes rather than despair in their own; — and besides, I thought that if I alone were slain it would be ignominious for me, but if I perished with many others it would be calamitous for the State."

He bitterly attacked Piso and Gabinius, the consuls of the preceding year.

"I had heard," he said, "from one of the wisest of men and the best of citizens, Quintus Catulus, that not often had there been one wicked consul, but two never, since the foundation of Rome, except in the time of Cinna. . . . But there were two consuls, whose narrow, low, poor, petty minds, filled with darkness and meanness, could not bear the light of the splendor of that honor, nor sustain nor comprehend the magnitude of so great an office; — not consuls, — I will not call them so, but brokers of provinces and men who made merchandise of your dignity. Of whom one, in the hearing of many, demanded back from me Catiline his admirer, and the other, Cethegus his cousin, — two men, the greatest villains since the memory of man; not consuls, but robbers, who not only abandoned me, and in a cause too that was public and consular, but betrayed and opposed me, and wished me to be bereft of every assistance, not only from them, but from you and all other classes, — of whom one, however, deceived and disappointed neither me nor any one else."

He here alluded to Gabinius, upon whom he next

poured out all the vials of his wrath, — describing his character and morals in language to which a Roman Senate might listen, but which is hardly fit for Englishmen to read. I can only glance at some of the charges which the infuriated orator enforced with all the power of his eloquence.

He accused him of ineffable sensuality, and declared that he prostituted his person to repair his shattered fortunes.

"Had he not taken refuge at the altar of the tribuneship, he must have been thrown into prison by the number of his creditors, and his property would have been confiscated. When a countless multitude had gone to him from the Capitol and implored him as suppliants and mourners, — when the noblest of the Roman youths, and the body of knights, had thrown themselves at the feet of that most filthy panderer, with what a look did the frizzled debauchee (*cincinnatus ganeo*) cast from him not only the tears of the citizens, but the prayers of his country! When the Senate had resolved to change their dress and put on the garb of mourning, he, smeared with greasy ointments, in his magisterial robe of office, which all the prætors and ædiles had then thrown off, laughed at their misery and mocked their sorrow. . . . When however in the Circus Flaminius, he was introduced as consul to the meeting to deliver an harangue, not by a tribune of the people, but by a robber and arch-pirate (of course Clodius was meant), he came forward — and with what a dignified appearance! full of wine, sleep, and lust, with moistened curls and dressed hair, heavy eyes, flabby cheeks, a squeaking and drunken voice, he, a grave authority! declared that he was extremely displeased that citizens had been punished without a trial. Where has the great authority so long hidden himself from us? Why has the distinguished virtue of this dancer with the curling-tongs so long been absent from his scenes of licentiousness and riot?"

He then turned upon Piso, and drew his portrait in colors quite as black. Piso had, he said, early in life practised as an advocate in the Forum, although

he had nothing to recommend him except an affected solemnity of countenance. He had never studied law; he possessed no gift of oratory — no acquaintance with military affairs, no knowledge of mankind, no generosity of mind. As you passed by him, you might notice that he was rough, unpolished, and morose; but would not suppose that he was a sensualist and a villain. He was of a dark and swarthy complexion, and Cicero proceeded, —

"Between this man and an Æthiopian block, if you had placed it in the Forum, you would think there was no difference, — a thing without feeling or taste; a tongueless, sluggish, scarcely human piece of matter. You would say that he had just been carried off from a gang of Cappadocian slaves. At home too how licentious! how impure! how intemperate! with his voluptuous pleasures, admitted, not through the front door, but a secret postern."

Afterwards, on the same day, he addressed the people in the Forum in an harangue which is known as the oration *ad Quirites*. He went over much the same ground as in his speech to the Senate, praising the people as he had praised the senators; and it is curious to observe how he clothed the same idea in different words. Often, however, the passages are identical, and prove, if they are genuine, that both the speeches were carefully prepared and written beforehand, as was the case with most of his orations. And, indeed, it may be remarked in passing, that the Greeks and Romans had no idea that it detracted in the least from the merit of an orator that he had composed his speech. The great masters of the art of eloquence were too conscious of its difficulty and too anxious to succeed to be ashamed to confess that upon this, as upon all

other arts, labor and pains and trouble must be bestowed.

It happened that about this time, when Cicero was panegyrizing the people, they, or at all events a considerable part of them, were engaged in a serious riot. A severe scarcity had occurred at Rome, and the price of provisions rose to an exorbitant height. There had been a deficiency in the provinces, chiefly Sicily, that supplied Rome with grain; and the corn-factors kept the grain in their warehouses to take advantage of famine prices. In fact, a famine had begun, and the usual consequences followed. The mob rushed first to the theatre, where the shows and games of the Apollinarian festival were going on, and by tumult and disturbance drove the spectators out of the building. They then proceeded to the Capitol where the Senate was sitting, and, headed by Clodius, with an armed band of desperadoes whom he had taken into his pay, and drilled in companies almost like regular soldiers, they attacked the senators with stones. Quintus Metellus, the consul, his own brother-in-law, was struck, and he afterwards named in the Senate two of the men who had thrown the stones. These were Lollius and Sergius, whom Cicero thus describes in his speech *pro Domo*, in his fiercest style of virulent invective. Addressing Clodius, he asked: —

"Who is this Lollius? who not even now is without a sword by your side — who demanded of you when you were a tribune of the people the life, I say nothing of myself, but the life of Pompey. Who is Sergius? the squire (*armiger*) of Catiline — one of his body-guard — the standard-bearer of sedition — the getter-up of tavern brawls — convicted of violence — a stabber, a stoner — the terror of the Forum — the besieger of the senate-house."

The mob was so violent, threatening to burn down the temple of Jupiter, that many of the senators were afraid to enter the building, and declared that they did not dare to deliver their opinions on the subject of the scarcity which was the question then before the house. Clodius made use of the famine to calumniate Cicero, and strove to make the ignorant rabble believe that he was the author of their distress. In one sense, indeed, he may be said to have been the innocent cause of it, for there is little doubt that the price of provisions at Rome was affected by the prodigious number of persons who had flocked to the city from all parts of Italy, to evince their interest in his safety and witness his return. But this was not the sense in which Clodius made the charge, although in any other there was and could be as little connection between Cicero and the scarcity as between Tenterden steeple and Goodwin Sands. He says himself: "As if I had any control over the supply of grain, or kept corn hoarded up, or had any power or authority in the matter." But it was believed by the starving populace, and they shouted his name as they rushed along the streets, demanding bread from Cicero, as the Parisian mob demanded it from Marie Antoinette. Both the consuls summoned him to the senate-house, from which he had kept away while Clodius and his ruffians occupied the immediate vicinity. Means were taken to disperse the mob, and Cicero did not shrink from his duty like many of the senators, but attended at his post, and, seeing that the measure would be popular, proposed a resolution that a law should be submitted to the people, conferring upon Pompey for five years the absolute

power of regulating the import of grain from all parts of the world. The resolution was carried; and when it was communicated to the people, they loudly cheered the mention of Cicero's name, — a mode of applause which he says was both foolish and novel.[1] He then made them a speech out-of-doors; and as the price of provisions had already begun to fall — indeed, it fell on the very day when the Senate first passed a resolution for his recall, but afterwards rose again — they were kept in good humor, and there was no further disturbance.[2]

Next day, in a crowded Senate, everything was granted that Pompey required. He asked for fifteen lieutenants, and put Cicero's name at the head of the list, declaring that he looked upon him as a second self. The consuls drew up a bill in the terms of the former resolution; but Messius, one of the senators, proposed another, which gave Pompey extravagant power. It conferred upon him a fleet and an army, and such command over the provinces as would have superseded the authority of their respective governors. One consequence of this move of Messius was, that Cicero's resolution, which had before been thought by some to go too far, now appeared moderate enough, and it was ultimately passed into a law.

It has been mentioned that Atticus left Rome before the end of the preceding year. He had not yet returned, and therefore was not an eye-witness of the triumph of his friend's recall. One advantage we gain by this is, that a correspondence between them

1 More hoc insulso et novo plausum. — *Ad Att.* IV. 1.

2 Cicero frequently alluded to the cheapness and plenty that followed his return, and interpreted it as a special mark of the favor of Providence

was kept up; and Cicero's letters are amongst our best sources of information as to the events of the period. In his first letter, giving a short account of his return and the subsequent incidents, he thus describes his position: "for a state of prosperity, slippery; for a state of adversity, good." He admits that he had recovered beyond his expectation his brilliant reputation in the Forum, his authority in the Senate, and his popularity with good men; but his private affairs were in great disorder, and he adds that there were, besides, some troubles of a domestic nature, which he did not like to trust to a letter. We have no means of learning to what he here alludes; but it is probable that it is a hint at some disagreement with his wife, who had behaved so nobly to him in his adversity. He entreated Atticus to come to him, and assist him with his advice, saying: "I begin, as it were, a new kind of life. Already some who defended me when I was absent begin to cherish secret anger and open envy towards me now that I am present. I want you here exceedingly."

His chief anxiety was about the restoration of his property. His house on the Palatine had been destroyed, and on part of its site had been built a temple dedicated by Clodius, with bitter irony, to Liberty. Clodius had also levelled the adjoining portico of Catulus[1] — a monument of his victory over the Cimbrians — and appropriated the ground, hoping that by the device of consecrating part he might

[1] The portico stood on the site of a house which had belonged to M. Fulvius Flaccus, formerly consul, who was put to death as an accomplice of Caius Gracchus. The house was pulled down, and on its foundations Catulus afterwards erected his portico. It stood next to Cicero's house.

keep possession of the whole. The question was, whether the land could be restored to its former owner? Having been consecrated *ad pios usus*, must it not, according to the same theory that has been advocated in later times, remain forever inalienable? The matter was referred to the College of Pontiffs, whose business it was to determine questions affecting religion. On the thirtieth of September, Cicero pleaded his cause before them in a speech known as the oration *pro Domo suâ*, of which he says himself, that if ever he spoke with effect it was then, when grief at his own wrongs and the importance of the object he had in view gave point and vigor to his eloquence.[1] It consisted in great part of a narrative of events which have been already related, and need not detain us now.

The pontiffs considered the case, and gave their formal opinion as follows: "If neither by a command of the free burghers in a lawful assembly (*populi jussu*), nor by a *plebiscite*, he who avers that he dedicated the site to religious uses had specific authority given him to do so, and has done it without such authority, we are of opinion that that part of the site which has been so dedicated may, without any violation of religion, be restored to Cicero." This, of course, was thought conclusive in his favor, and he received the congratulations of his friends. But Clodius still crossed his path. That indefati-

1 I have in a former note mentioned that the existing speech, *pro Domo suâ*, is considered by some scholars not to be genuine. Wolf is of opinion that it by no means comes up to what we might expect from Cicero's praise of it, and Markland agrees with him. My own opinion is that *si non è vero, è ben trovato*. At all events, we need not doubt that it is in many passages a close copy of the original.

gable enemy stopped at nothing to gratify his hatred. He got his brother Appius, the prætor, to summon a public meeting, where he harangued the people and declared that the pontiffs had decided in his favor, but that Cicero was coming to take possession by force. He therefore called upon them to follow him and Appius to defend their own temple of Liberty.[1] In the mean time the Senate, having received the opinion of the pontiffs, many of whom were present, proceeded to discuss it, and were quite ready to pass a resolution in accordance with it. This was proposed by Marcellinus, the consul-elect for the following year, and his motion was on the point of being carried, when Serranus the tribune interposed his veto. What was now to be done? Here, as in so many instances, legislation was brought to a standstill by the action of the tribunician power. Serranus had the undoubted right to exercise his veto, and, if exercised, it was fatal to the measure. The Senate, therefore, resorted to the expedient they had adopted to overcome the same resistance in the case of the bill for Cicero's recall. They could not prevent the veto, but they could give it the go-by, and make the tribune responsible for the consequences. They, therefore, resolved that it was the opinion of the Senate that Cicero's house should be restored; the portico of Catulus let out to contractors to rebuild; and the authority of their order defended by all the magistrates. If any violence occurred, the Senate would consider that person

[1] In relating this to Atticus, Cicero puts into Clodius's mouth a pun which is most probably his own. He says that Clodius called on the crowd to follow him and "defend their *Liberty*," ut suam *Libertatem* defendant. — *Ad Att.* IV.

the author of it who had interposed his veto. This had the desired effect, for Serranus was frightened. His father-in-law flung off his robe, and, throwing himself at his feet, as he had before done on the occasion of the bill for Cicero's recall, entreated him to give way. He asked for an adjournment to the following day, and talked of the necessity of a night for reflection. But the Senate remembered that this trick had been played before, on the first of January, and refused to grant it. At last, however, at Cicero's own suggestion, they agreed to the adjournment.

During the night, Serranus thought better of the danger to which he subjected himself if he persisted in his veto; and next day, when the Senate assembled, he withdrew his opposition, and the resolution was passed. The consuls immediately employed contractors to rebuild the portico of Catulus, and, with the assistance of assessors, they put a value upon the property of Cicero which had been destroyed, including his house on the Palatine and his villas at Tusculum and Formiæ, and for which he was to receive compensation.

He was not at all satisfied with the sums that were awarded for his houses, and declared that even the populace thought them too low. Some, he said, attributed the smallness of the compensation to his own modesty in not making a pressing demand for more; but he wrote to Atticus that the real reason was that those persons he knew of (he does not mention their names) who had clipped his wings, did not wish them to grow again. "But," he adds, 'they are growing again, as I hope."

He complained grievously in his letter of the state

of his private affairs, and of the cost and trouble of refurnishing his Formian villa, which he could not bring himself to part with nor bear to see. He had already advertised his villa at Tusculum for sale, although he says he could not well do without a suburban residence. He admitted that he had exhausted the liberality of his friends, who had generously assisted him with money during his banishment, and that he was now in difficulties. He added that he had other anxieties of a more secret, or, to use his own word, *mysterious* kind, evidently referring to the same cause of trouble to which he alluded in his previous letter.[1]

On the third of November, Clodius went with a band of his creatures to the Palatine, and drove off the workmen who were rebuilding Cicero's house. They also pulled down the portico of Catulus, which had been already raised as far as the roof, and after doing as much damage as they could to Quintus's adjoining house, by throwing volleys of stones at it, they, by command of Clodius, set it on fire. He had now become utterly desperate; and, knowing that if he was to be tried for his crimes he could hardly make his case worse by further violence, he attempted to murder Cicero in open day. On the eleventh of November, as he was going down from the Capitol along the Via Sacra, which ran through the Forum in the direction of the Capuan Gate, past the spot where, in after-years, the Arch of Titus was erected, and where it still stands, Clodius attacked him with

[1] Wieland says it undoubtedly refers to some difference between himself and "his Juno or Xantippe," adopting the unfavorable view of Terentia's character. Plutarch has much to answer for in the case of this calumniated lady.

his cutthroats. Cicero had a body of attendants with him, — indeed, it was not safe for him to go into the streets alone while Clodius was at large, — and a combat ensued, in which swords, clubs, and stones were used as weapons, and in the *mêlée* Cicero escaped to the vestibule of a neighboring house, which his assailants tried to force, but were driven off. The next day Clodius made a regular onslaught on Milo's house on the Germalus, a small hill, or mount, within the city, with a band of men armed with shields and swords, and carrying lighted torches. He established himself without the leave of the owner in a neighboring house belonging to P. Sylla, making it, as Cicero says, his headquarters, or camp, for carrying on the siege. Milo, however, was prepared for him. A body of resolute men, headed by Q. Flaccus, occupied the house, who rushed out and killed many of Clodius's followers on the spot. He himself had a narrow escape, and fled for refuge into the interior of Sylla's house.

This lawless condition of Rome had lasted, with more or less degree of violence, for more than a year. And yet it is of such a state of things that De Quincey, in his determination to say little good of Cicero, and to think no ill of Cæsar, thus writes: —

"Recluse scholars are seldom politicians; and in the timid horror of German *literati*, at this day, when they read of real brick-bats, or of paving-stones not metaphorical, used as figures of speech by a Clodian mob, we British understand the little comprehension of that rough horse-play proper to the hustings, which can as yet be available for the rectification of any continental judgment. '*Play*, do you call it?' says

a German commentator; 'why, that brick-bat might break a man's leg, and this paving-stone would be sufficient to fracture a skull.' Too true: they certainly might do so. But, for all that, our British experience of electioneering 'rough and tumbling' has long blunted the edge of our moral anger. Contested elections are unknown to the Continent — hitherto even to those nations of the Continent which boast of representative governments. And with no experience of their inconveniences, they have as yet none of the popular forces in which such contests originate. We, on the other hand, are familiar with such scenes. What Rome saw upon one sole hustings, we see repeated upon hundreds. And we all know that the bark of electioneering mobs is worse than their bite. Their fury is without malice, and their insurrectionary violence is without system. Most undoubtedly the mobs and seditions of Clodius are entitled to the same benefits of construction."

I say most undoubtedly no. What Clodius meant was murder and revolution, and nothing less, and it is an insult to common sense to compare his insurrectionary violence to the "rough horse-play" of an English electioneering mob. He had been baffled by his enemies in his attempt to gain the consulship, and he seems to have resolved to become master of Rome by pursuing a system of terror which it was disgraceful to the magistrates not to have put down. He had been protected by Cæsar and Pompey, for their own purposes, until his fury grew intolerable; and then, finding himself deserted by every respectable citizen, he relied solely upon armed force. He

took into his pay a body of ruffians, whom he drilled like soldiers; and any one who thought of attacking him knew that he was likely to forfeit his life in the attempt. But it is inconceivable that the consuls, or, at all events, Lentulus, — for Metellus perhaps was deterred by the consideration that Clodius was his brother-in-law, — should not have exercised the power they undoubtedly possessed, and, denouncing him as a public enemy, have employed against him a military force. Did they believe that he was still secretly supported by Cæsar, and were they afraid of offending that formidable man, who was giving proofs in Belgium and Gaul of his incomparable qualities as a soldier?

Clodius was at this time a candidate for the ædileship, and hoped, if he gained that office, to escape with impunity. Milo, however, as tribune, was determined to oppose this, and exerted all his energies to put off indefinitely the comitia for electing the ædiles. On the day after the attack on his house, the Senate met, but Clodius did not appear. Marcellinus, the consul-elect, spoke strongly against him; but Metellus, Oppius, and another senator whom Cicero, writing to Atticus, describes as "your friend" [1] came to the rescue, and tried to waste time by making long speeches, and so prevent any resolution from being passed.

Clodius afterwards threatened that, if the comitia were not held, he would attempt a revolution. Marcellinus, however, announced his determination to put a stop to them if they were held, by "watching

[1] Cicero adds ironically, "de cujus constantiâ et virtute tuæ verissimæ literæ." — *Ad Att.* IV. 3. It is generally thought that he here alludes to Hortensius.

the sky." Upon this, Metellus, Appius Claudius and Clodius addressed the people in furious harangues. Everything betokened that a crisis was at hand. The comitia were to be held in the Campus Martius, and in the middle of the previous night Milo proceeded to the plain with a strong force. Clodius did not venture to show himself, and Milo remained until mid-day master of the field. Metellus, as consul, challenged Milo to put a stop to the comitia if he dared by giving him public notice next day in the Forum that he was watching the sky, and told him there was no reason why he should go to the Campus Martius at night, promising to be at the meeting at six o'clock in the morning. He intended to play Milo a trick, and get the comitia over before he had time to stop them. Milo, however, got there before him, and, as Metellus was sneaking along by-streets to the Campus Martius, he came up with him at the place called *Inter Lucos*,[1] and, using the proper formula of *alio die* — "at another day" — prevented the meeting. The consul retired, and so, for the present, Clodius was baffled. In giving an account of these events to Atticus, Cicero says: —

"I am writing this on the twenty-third of November, at three o'clock in the morning. Milo is still in possession of the Campus Martius. Marcellus, who is one of the candidates, is snoring so loud that I, who am his neighbor, can hear him! The vestibule of Clodius's house is reported to be empty, or at all events there are only a few ragged wretches there without a lantern."

Milo now openly declared that he would kill

[1] This was the hollow space between the Capitoline and Palatine hills, so named from an ancient grove that formerly stood there. The natural features of the ground still remain as in Cicero's time.

Clodius if he met with him — if not, he would drag him to trial. It is right to remember this, as it throws light upon the nature of the encounter afterwards between these two men, when Clodius was killed. In telling Atticus of Milo's threat, Cicero uses a remarkable expression, which shows how sore he still felt on the subject of his banishment. He says, — "Milo has no fear of my mischance, for *he* has never relied on the advice of an envious and perfidious friend; nor is he likely to trust a do-nothing nobleman." Here, no doubt, Pompey is alluded to, for he was the *iners nobilis* to whom more than any other Cicero attributed his misfortune. He spoke cheerfully at this time of himself, and said that his spirits were greater than even when he was in prosperity, but that he was much reduced in fortune. It appears, however, that he was generously assisted with money by his friends, for he tells Atticus that by their aid he had been able, in some degree, to repay his brother Quintus for his liberality towards himself, which had seriously affected his means.

During the month there was a meeting of the Senate, which Cicero describes in a letter to his brother Quintus, and which it is worth while to quote, as it gives us a good idea of the mode in which the Roman Parliament conducted its business.

The two consuls were absent, having left Rome for their respective provinces. It was, therefore, the duty of the tribunes to convoke the Senate, propose motions, and ask each of the senators his opinion in such order as they thought fit. The case would be analogous in the House of Commons if the Speaker, instead of "catching in his eye" one of a dozen

members who start up at the same time, and calling upon him to speak, were to address each member in turn, and ask him to deliver his opinion. Certainly the Roman method was more decorous, but the practical difficulty of carrying it out in the House of Commons would be insuperable. Unless *all* were called upon in turn, it would be unfair to those who would be excluded, and the idea of *inviting* six hundred and fifty speeches on any question is too dreadful to think of. It appears that the consuls confined themselves to the principal senators, and always began with those who had filled the office of consul — the consulars, as they were called. But how the rest were dealt with, and whether any senator might get up and speak without being called upon, is not sufficiently clear.

On the occasion in question the number that met was two hundred, which Cicero calls a more than usually good attendance for the December holidays. They were attracted by a motion, of which Lupus, one of the new tribunes, had given notice on the subject of an apportionment of public lands in Campania. He spoke well, but was listened to in silence. He did not finish till late, and then said that he would not ask for the opinions of the senators, or, as we should say, would not give the house the trouble of dividing, as he did not wish to expose any one to odium or annoyance; but he understood the feeling of the Senate from its silence. Upon this Marcellinus started up, and said that Lupus must not infer from their silence either approval or disapproval of the scheme, and that, as Pompey was absent, it was better not to discuss the question then. Lupus said that he had no wish to detain the Senate any longer.

But Racilius, another of the new tribunes, rose and made a motion about the necessity of calling Clodius and his associates to account in a criminal court for the late outrages. He then called upon Marcellinus, the consul-elect, to deliver his opinion first. Marcellinus inveighed strongly in his speech against Clodius, and asserted that he would, when he entered upon office, have a list of jurors chosen by lot by the prætor, in the usual manner, and that, when this was ready, and not till then, the comitia for electing ædiles should be held. He also declared that whoever threw obstacles in the way of the trial would be a public enemy. The Senate applauded, but Caius Cato and Cassius, two of the new tribunes, rose and spoke on the other side. Cassius proposed that the comitia should take place before the trial, but he was almost clamored down. Racilius then, having gone through the magistrates present, asked Cicero first of those who were not in office his opinion. Cicero took care to avail himself of so good an opportunity for attacking his bitterest enemy. He treated him as if he were a criminal arraigned at the bar, and in his presence went through the long catalogue of his crimes amidst murmurs of applause. Severus Antistius afterwards spoke, and declared that he was for the trial preceding the comitia. The Senate was on the point of dividing in favor of that view, when Clodius rose and tried his old trick of speaking against time. He delivered a furious harangue, and complained that he had been treated by Racilius with incivility. He relied upon the same kind of support that the Jacobins of the French Revolution made use of in the Con

vention, when the galleries were filled with the Parisian mob, who interrupted the speakers by their clamor. He had posted a body of slaves at the neighboring *græcostasis*, — an elevated platform or place on the right-hand, close to the Curia Hostilia, where the ambassadors and other deputies from foreign countries used to wait when they were commissioned to the Senate at Rome. These raised a tremendous shout, which so frightened the timid senators that in disgust and alarm they hastily quitted the Senate-house, and the business in hand was adjourned until the following morning.

At the close of his letter Cicero affectionately warns his brother, who was going to Sardinia as one of Pompey's fifteen commissioners or lieutenants in the grain business, to be careful to choose fine weather for his voyage in the inclement month of December.

His next letter is to Fadius Gallus, a great friend of both Cicero and Atticus, and an excellent and well-educated man, who was afterwards one of Cæsar's lieutenants. The letter is curious as affording us a glimpse of Cicero at home in his Tusculan villa, suffering from an attack of dysentery.

He says that, feeling very unwell, and yet, because he had no fever, being unable to persuade friends and clients who wished to make use of his services that anything was the matter with him, he had fled to Tusculum, and there kept himself so rigidly fasting, that for two days he did not even drink a drop of water. He had been quite worn out by weakness and hunger. Of all kinds of illness he dreaded dysentery most — a disease which, he says, had brought

down upon Epicurus (of whose school Gallus was a disciple) the contempt of the Stoics because he had confessed that he was troubled with it and strangury, the latter of which they attributed to licentiousness, and the former to gluttony. Change of air and relaxation from business had, however, improved his health. He jokingly attributes his attack to the sumptuary law, for, as vegetables of all kinds were excepted from it, the Roman epicures used to dress these in such a dainty and appetizing way as to form rich and luxurious dishes; and Cicero had partaken of these so freely at a dinner given by Lentulus, the consul-elect, in honor of the consecration of his son as augur, that he was seized with diarrhœa. "So," he adds, "I, who had no difficulty in abstaining from oysters and lampreys, was betrayed by beet-root and mallows! In future I shall be more cautious;" and he hints that, as Gallus knew he had been so unwell, he might not only have sent to inquire after him, but have paid him a visit.

CHAPTER XIV.

CONFUSION AT ROME. — CICERO SUPPORTS CÆSAR. — HIS SPEECHES IN SEVERAL IMPORTANT TRIALS. — DEFENCE OF CŒLIUS.

ÆT. 51. B. C. 56.

THE consuls of the new year were Lentulus Marcellinus and Marcius Philippus. The first business on which the Senate was engaged, and which occupied a considerable time, was the question of the restoration of King Ptolemy Auletes to his throne. He had, as I have before mentioned, been deposed by his subjects for his tyrannical misrule, and had taken refuge in Rome, where he implored the assistance of the Senate. An embassy was sent from Egypt to Rome to plead the cause of the people against the king. It consisted of a hundred persons, the greater number of whom Ptolemy, according to Dio Cassius, caused to be waylaid and murdered; and of the rest, when they reached Rome, he assassinated some and bribed others.[1] Lentulus Spinther, the consul of the preceding year, who now held the proconsular government of Cilicia, had reason to expect that the honor of conducting back the king would be conferred upon him; but he had a formidable competitor in Pompey, who was very anxious

[1] Dio Cass. XXXIX. 13.

to possess a military command, and who knew that, if the king was restored, it must be by means of a Roman army forcing him upon his unwilling subjects. He did not avow his desire for the appointment; on the contrary, he professed to support the pretensions of Lentulus; but his friends worked for him. The Senate, however, was by no means disposed to increase the authority he already possessed. He was, by their own act, the absolute master in a matter of vital consequence — the import of grain, — and they were afraid of making him too powerful if they gave him also the command of an army. And yet they were unwilling to offend him. The way in which they got out of the dilemma is curious. They persuaded the guardians of the Sibylline books conveniently to declare that it was therein written, that if a king of Egypt solicited their help they were not to refuse, but must not assist him with any great number of men,[1] or they would get into trouble. This settled the matter as regards an army. The only real question was, whether Pompey or Lentulus should have the appointment; but in the result neither of them restored the king. The Senate would have nothing to do with it, and Aulus Gabinius, the proconsul of Syria, undertook the enterprise on his own responsibility, being well paid by Ptolemy for his services.

On the twenty-second of January the comitia for the election of ædiles was at last held, and Clodius came in. Without losing time, he immediately indicted Milo for illegal violence, thus retaliating upon

[1] *πληθεῖ τινί*. — Dio Cass. XXXIX. 15. Cum multitudine. — *Ad Quint* II. 2

him with the same accusation which Milo had preferred against him in the previous year. In February Milo appeared to the charge, and was supported by Cicero and Pompey. At Cicero's request, Marcellus spoke for him, and the impression made was favorable. The case was then adjourned, and when it came on again Pompey spoke, or rather tried to speak, for him,[1] for the hirelings and slaves of Clodius made such a clamor and uproar when he rose that it was almost impossible for him to go on. But he stood his ground, and, in spite of the continued interruption, delivered a long and courageous speech. When he had finished, Clodius started up, but was instantly met with such a storm of derisive shouts from Milo's party that he was completely staggered.

The hooting and clamor lasted for two or three hours, and every kind of abuse was hurled at Clodius. The crowd sang scurrilous and filthy doggerel, which was current at Rome, against him and his sister Clodia. Pale and mad with rage, he turned to his followers in the midst of the uproar and asked them who it was that killed the people with famine. The mob shouted "Pompey!" "Who wanted to go to Alexandria?" "Pompey!" "Whom do you wish to go?" "Crassus!" Crassus was present, with no friendly feelings towards Milo. At last the low wretches who supported Clodius began to spit upon their opponents. This made Milo's party furious; and when the Clodians began to press forward, they were attacked and put to flight. Clodius was driven off the Rostra, and Cicero, seeing that he himself was in danger, hastily quitted the

[1] Dixit Pompeius, sive voluit. — *Ad Quint.* II. 3

place. The Senate was immediately summoned, but Pompey, instead of attending, went home. He had given offence by his disingenuous conduct in the Ptolemy business, and the Senate by no means approved of his covert attempt to get the appointment for himself. He was now in his absence assailed in the Senate by Bibulus, Curio, and Favonius; and Cicero, knowing that this would be the case, with more prudence than manliness kept away; for, as he says himself, he felt that if he was present he could not with decency be silent during the discussion, and feared that if he defended Pompey, he might displease the party of those whom he calls "good men." All this he tells in confidence to his brother, and it is in such letters that we get the real key to his character. He was always anxious to do what was right, but was deficient in moral courage, and too afraid of compromising himself to adopt a bold and decided policy. This caused him to temporize, and, in fact, to *trim*, which more than anything else has injured his reputation with posterity.

Clodius fixed the seventeenth of February for going on with the impeachment of Milo, and on the sixth the Senate met in the Temple of Apollo for Pompey's convenience, as it was close to his house. He was present, and made an impressive speech; but the Senate came to no resolution. Next day it resolved that what had occurred was an offence against the Republic. Cato, the tribune, attacked Pompey in a set speech, and, no doubt with the view of sowing dissension between them, took care to praise Cicero to the skies. He accused Pompey of perfidy towards his friend, and the charge

was listened to in silence. It was beyond doubt so far true that Pompey had not made the least exertion to save him from Clodius's law of proscription but we have no proof that he took any active part against him. Pompey defended himself with warmth, and, without naming Crassus, who, he believed, had instigated Cato to assail him, and was assiduously aiming at his life, he so designated him as to leave no doubt to whom he alluded when he declared that he would be more on his guard than Scipio Africanus, who was murdered by Carbo. So entirely was the alliance between Pompey and Crassus at an end, that he told Cicero pointedly that Crassus, whose wealth was enormous, supplied Clodius with money and supported him in his attacks upon himself, which were now open and undisguised. He confessed that his position was precarious; the fickle populace was almost alienated from him by the mob-harangues continually addressed to them;[1] the aristocracy was hostile; the Senate unfavorable; the Roman youth depraved. He therefore began to take active measures for his own protection, and brought into the city men on whom he could depend. But Clodius also was marshalling his forces and increasing the number of slaves and gladiators in his pay. He collected a band of ruffians to be ready when Milo's trial came on. Cicero says that his and Pompey's party had much the advantage in point of strength, and expected a considerable reinforcement of soldiers from Picenum and from Gaul, where Cæsar was all-powerful, and as yet ready to stand by his son-in-law.

It shows how completely dislocated the govern-

[1] Concionario illo populo a se prope alienato. — *Ad Quint.* — II 3.

ment at Rome was at this period, and how law and order were beginning to succumb to armed violence, when we find a man like Cicero, who shrank with something like womanish repugnance from the use of physical force, telling his brother that one use that would be made by him and his party of the troops they expected would be to defeat Cato's two bills, the one for the impeachment of Milo, and the other for the recall of Lentulus. It is clear that he was ready to reverse his famous maxim of *cedant arma togæ*, and let arms turn the scale. The times were indeed deplorable, and the forms of the constitution were abused to the most factious purposes; but it was very dangerous to attempt to defeat a bill by an imposing military force, although it would have been quite right to arrest Clodius, and, if he resisted, to fight the battle out in the streets.

But let us turn for a moment from the politician to the man of letters and the advocate. Atticus had arrived in Italy from Athens or Epirus, and was on his way to Rome. He had just married a lady named Pilia,[1] and Cicero wrote to him in February, and begged him to come and stay with him, and bring his wife, whom Tullia was anxious to see. He told him that Tyrannio, a distinguished grammarian and friend of Cicero, had made an admirable arrangement of his library, the remains of which, after the injury it had suffered during his banishment, were in a much better state than he had expected. He begged Atticus to send him two of his librarians to assist Ty-

1 Pilia bore Atticus a daughter named Attica, who became the wife of Agrippa and mother of Vipsania Agrippina, the first wife of Tiberius and mother of Drusus; so that Atticus was the grandfather of a Roman empress.

rannio in gluing the leaves, and to bring with them a skin of parchment to make indexes, "which," he says, "you Grecians, I think, call syllabuses." Atticus had bought some gladiators, whom it was not unusual for wealthy Romans to keep and train, for the purpose of hiring them out to the magistrates, or others who exhibited public games. Cicero congratulates him on having purchased a capital training-ground, and says he hears they fight admirably.

He now resumed his more congenial duties as an advocate, apparently for the first time since his return from exile: at least I am not aware of any earlier case in which he was engaged. On the eleventh of February he defended L. Bestia, who was accused of electoral corruption when he was a candidate for the office of prætor. The trial took place in the prætor's court in the middle of the Forum, and was attended by an immense crowd. His speech, which is lost, was unsuccessful, and Bestia was convicted. All we know of it is what he tells us, namely, that he seized the opportunity to preoccupy the minds of his hearers favorably, with a view to his defence in a more important trial which was then impending, and in which he was counsel for the accused.

This was the case of Publius Sextius, who was one of the tribunes of the people in the year when Cicero was recalled, and who, perhaps, more than any other man, except Quintus and Atticus, had exerted himself on his behalf. He had been severely wounded by the followers of Clodius in one of the numerous street conflicts that disgraced the city, and had owed his life to the interposition of Bestia. He

had also been one of the first to propose a law for Cicero's recall, and had always in the Senate given him the most zealous support. By every tie, therefore, of duty and gratitude, the orator was bound to put forth all his powers to defend him when he was in danger. He seems to have been a man of sullen and unpopular manners; for in a private letter to Quintus, Cicero calls him *morosus homo*, and hints that he had himself cause to complain of the perversity of his temper. He was in considerable peril; for he was arraigned on two indictments: one, in which he was charged, under the Papinian law, with bribery; and the other, a more serious affair, in which he was charged, under the Lutatian law, with illegal violence.

The first step in the trial was the arraignment, which took place before the prætor, M. Æmilius Scaurus, in February. Sextius was well defended. He had the advantage of having not only Cicero as his advocate, but also Hortensius. The speech which he delivered has been preserved, and it is one of the most valuable of all his orations; for in it we have a narrative of the events connected with his banishment and return.

The trial lasted, with interruptions, until the thirteenth of March, when Sextius was unanimously acquitted. In a letter announcing the result to Quintus, who had been anxious that his brother should show his gratitude for Sextius's services by exerting himself to the utmost, he said that he had most amply satisfied him on that point, and that he had cut up Vatinius, who was supposed to be at the bottom of the prosecution, to his own heart's

content, amidst the applause of gods and men.' And yet two years afterwards he defended this very Vatinius, and was then as complimentary towards him as he was now abusive.

In a previous letter to Quintus he told him of the approaching trials of Bestia and Sextius, and gave a flourishing account of himself. He said that his reputation and popularity were reëstablished, and he thankfully attributed this to his brother's kindness and affection, to whom more than to any one else he seems always to have felt indebted for his recall from banishment. Quintus was on the point of returning from Sardinia to Rome, and Cicero tells him that Licinius's house at Piso's Grove had been hired for him, but he hoped that in a few months after the first of July he would get into his own on the Palatine, which was being rebuilt. Quintus's other house, in the Carniæ, had been taken on lease by a family of the name of Lamia.

In his next letter to his brother, after mentioning the acquittal of Sextius and his satisfaction at his own speech, he gives him some domestic news. Tyrannio was acting as tutor in Cicero's house to the two young cousins, and he assures Quintus that his son is making good progress in his studies. Both their houses were getting on fast, and he had paid his brother's contractor half of the stipulated sum. He hoped, therefore, that they would be next-door neighbors before winter. He then mentions that he was on the point of concluding a marriage engagement for his daughter Tullia. A year had elapsed since Piso's death; and the young widow was, in April, betrothed to Furius Crassipes, of whom

very little is known except that he was an adherent of Cæsar, quæstor of Bithynia, and afterwards, according to Livy, prætor. The marriage was not a happy one, and her husband, a few years afterwards, divorced her. From the way in which Cicero speaks, it seems that he brought about the match, and very likely, as too often happens when third parties interfere, there was little affection on either side. He gave the wedding banquet (we should say, breakfast), and mentions that his nephew, young Quintus, could not be there, owing to a slight illness. He tells his brother that he visited him two days afterwards, and found him recovered, and that he had a long conversation with him on the subject of the disagreement between his aunt and mother — Terentia and Pomponia — in which his nephew expressed himself very kindly. Quintus and his wife, who had remained at Rome while her husband was absent in Sardinia, were still on indifferent terms, and she complained to Cicero of his conduct. I will quote one or two passages from the letter in which he mentions this to his brother, not because they relate to any matters of importance, but because it is interesting to see the old Romans, so to speak, in *deshabille*, and find them engaged twenty centuries ago in much the same daily routine of business and amusement as ourselves.

"When I left the boy," he says, "I went to look at your new house that is building. There were numbers of workmen very busy. I spoke to Longilius the contractor, and urged him to lose no time. He assured me that he wished to give us every satisfaction. It will be a capital house; for I can judge better now than I could from the mere plan. Mine also will be soon finished. On the same day I supped with Crassipes, and afterwards was carried in a litter to Pompey's gardens. I could not meet with Lucceius

as he was absent. I wished however to see him because I intend to leave Rome to-morrow, and he is going to Sardinia. . . . I am building in three places at once,[1] repairing and furnishing up what is left; and I live rather more liberally than I used to do."

This last remark suggests the inquiry how Cicero was able so soon after his return to launch out into all this expense. He constantly complained of being ruined during his exile, and we know from his letters to Terentia that this was no exaggeration. He was obliged to resort to the purse of his friends, who, and especially Atticus, came liberally forward to assist him and his family. And yet we find him, in the year following his return, living in comfort and luxury, and, as we have just seen, rebuilding his town and country houses, which were on an expensive scale. He had, no doubt, received some compensation, but he was much dissatisfied with the amount; and it seems to have been quite inadequate to enable him to rebuild his house at Rome and repair the damage done to his villas. Where, then, did the money come from? At this distance of time it is impossible to say, as we have absolutely no information, and can only guess that he borrowed largely; for we know that he was henceforward almost constantly in debt.

In the same letter he mentions an incident which was considered a good practical joke at Rome. The tribune Cato, who was a man of the Clodius stamp, had bought a body of gladiators and wild-beast fighters, — some of the latter from Atticus, — and he employed them as a body-guard, without which he never appeared in public. But he found that the

[1] His house at Rome, and his Tusculan and Formian villas.

keep of these cost him more than he could afford, and he wished to sell them. He was naturally anxious that Milo should not buy them, for they were declared enemies of each other; and he had no wish to increase the force at his adversary's disposal. Milo, however, employed a third party to purchase the lot[1] from Cato as if for himself, and take them away. Cato sold them without the least suspicion who was the real purchaser. Racilius, then, according to a preconcerted plan, declared that the men had been bought for himself, and issued a placard advertising that he was ready to sell Cato's *family* of slaves. This placard caused great merriment at Rome. The point of the joke was, that such a gang of prize-fighters should be styled as if they were Cato's domestic establishment.

Cicero left Rome in April, and spent a few weeks in visiting his country seats. He was growing more and more dissatisfied with the state of parties, and found, or fancied himself, an object of envy and dislike. He had felt much disappointment since his return from exile to his beloved Rome, away from which he then thought he could hardly exist; and we find him corresponding with Atticus in a very splenetic mood. He had been writing a work, which is supposed to have been a poem in praise of Cæsar, and in which he had recanted some of his former opinions. He apologizes for not having sent it to his friend, and confesses that he was rather ashamed of letting him see the change that had taken place in his views.

1 *Familiam.* This is the word *invariably* used to denote the domestic slaves of a Roman family, and is never applied in any other sense

His detractors found fault with him for buying a villa that had belonged to Catulus, — meaning, I suppose, to insinuate that he was not worthy to succeed so excellent a man, — but they forgot, he said, that he bought it from such a rascal as Vettius. They abused him for rebuilding his house, and said it would have been better if he had sold the land, and so put money in his pocket.

He uses, in one of his letters, these significant words, which are the key to much of his political conduct during the next few years. "Since," he says, "those who have no power will not be my friends, let me try to be friends with those who have the power." This, of course, alluded to Cæsar and his party. He goes on: "You will say, 'I wish you had done so long ago.' I know that you wished it, and that I have been a regular ass. But it is now time for me to take care of myself, since I cannot in the least rely on their friendship."

He sent a long letter to Lucceius, the historian, of whose works not a vestige now remains, and urgently pressed him to write a history of his consulship. He told Atticus that it was a very pretty letter (*valde bella est*); but to us it seems in the worst possible taste. He distinctly asked Lucceius not to confine himself to the strict limits of fact, but to give a latitude to his panegyric beyond even what he might think Cicero's actions deserved.

Lentulus Niger, a member of the college of *flamens*, or priests of Mars, and a great friend of Cicero, had just died. When he heard the news he wrote to Atticus, and told him that Lentulus was such a true lover of his country, that he seemed to

have been snatched away by the kindness of the gods from the conflagration that was destroying it.

"For what," he exclaims, "is worse than our life? especially mine! For you, indeed, although you are by nature 'political,' are tied to no party nor bound to public servitude. You enjoy merely the general name of statesmen. What grief, however, must I feel? I, who if I say what I ought about politics, am thought mad: if what is expedient, servile; if I keep silence, utterly done for and laid on the shelf. And the worst of it is that I dare not express my grief lest I should appear ungrateful.

"What if I wished to give up and fly to a haven of rest? Never! I must rush to the battle. Shall I then be a camp-follower where I refused to be a general? Well! so it must be; for I see that this is your opinion, and I wish I had always listened to you.

"'Well!' you will say, 'Sparta is your lot; do your best in Sparta.' I'faith I cannot; and I am inclined to excuse Philoxenus, who preferred going back to prison."[1]

Cicero had proposed to write a little work to be called Hortensiana, the exact nature of which is unknown, but it seems to have been intended as a collection of anecdotes or sketch of the life of his great rival in the Forum. Atticus urged him to go on with it, but it was a delicate subject to handle, and he was afraid that he might have to show up Hortensius's faults and make public the umbrage he felt at his conduct towards himself. We have seen that for some cause or other he thought that Hortensius had not behaved well to him. He therefore

[1] Philoxenus was a poet of Syracuse, who had the temerity to find fault with some verses of Dionysius the tyrant, and was thrown into a prison called the *Latomiæ* (stone-quarries). Soon afterwards he was released and summoned to court to listen to a new poem of the tyrant. But the infliction was too great: he ran off. "Where are you going to?" cried Dionysius. "Back to the *Latomiæ*," answered the disgusted poet. This reminds us of Voltaire at the court of Frederick the Great. Once when the king sent him some royal verses to revise, he said, "See his Majesty has sent me his dirty linen to wash."

would not promise to write the work, but said he would think of it.

During his absence in the country several portents had occurred which filled the superstitious minds of the Romans with terror. The college of soothsayers was consulted, and they declared that some deity was offended because consecrated places had been built upon and turned to profane uses. This was too good an opportunity for Clodius to lose. He assembled a meeting and harangued the people, pointing out the real culprit. What could be clearer than the meaning of the prodigies? The Temple of Liberty had been pulled down and on its site Cicero was then erecting his new house. The Senate also resolved that the consuls should bring forward a bill on the subject of sacred places.

Cicero in the mean time had returned to Rome, and the day after the resolution was passed he was in the Senate and delivered the speech known as the oration *de Haruspicum Responsis*, although, as we have seen, some scholars are of opinion that the one we possess under that title is not genuine.[1]

About this time he was counsel for L. Cornelius Balbus, a trusted and intimate friend of Cæsar, and then serving under him in Gaul. It was not a criminal case, but involved the question of his right to be considered a Roman citizen. For Balbus was a native of Spain, born at Gades (the modern Cadiz), and he had been made a burgher of Rome by Pompey under the *Lex Gellia*. Pompey and Crassus

[1] Wolf says that the speech we possess is nothing but an old woman's twaddle expressed in a tasteless, childish style which is hardly Latin. But this is not criticism.

assisted Cicero in the defence, and his speech is still extant.

Shortly afterwards he had an opportunity of gratifying his dislike of Piso and Gabinius, and showing his good-will towards Cæsar.

It was proposed in the Senate that Piso and Gabinius should be recalled from their proconsular provinces, Macedonia and Syria, and that these should be declared to be prætorian, in order that they might be placed in the hands of prætors. It was also proposed that Cæsar should be deprived of his government of the two Gauls, Transalpine and Cisalpine, which were to be assigned to the new consuls elect. Some of the senators wished to make a different arrangement, and give Macedonia or Syria and one of the two Gallic provinces to the consuls elect. When Cicero was called upon to declare his opinion, he rose and made a noble speech, known as the oration *de Provinciis Consularibus*, and one of the finest he ever delivered, whether we regard its sentiments or its style. He had a difficult part to play. His long opposition to Cæsar exposed him to the charge of inconsistency if he now supported him; but he vindicated himself with admirable tact, and his reasoning is, I think, conclusive. If, indeed, he could have known what use Cæsar would make of the prolongation of his command, if he could have foreseen that, flushed with victory, he would come back to Rome not as the servant but the master of the Republic, not as Imperator but Dictator, he would have spoken very differently. But who could then lift the veil of futurity and see Pharsalia in the distance? Cæsar was now a glorious soldier, chain

ing victory to his eagles, and adding new dominions to the State, and it seemed to be in the highest degree impolitic to stop him in the career of conquest and hand over the turbulent and warlike nations of Gaul to some incompetent successor, who might lose all that had been gained by the greatest military genius, with the exception perhaps of Hannibal, that the world had yet seen.

He began by assuring the Senate that he would not allow his private enmity against the ex-consuls Piso and Gabinius to influence his public conduct, and would rest the case for their recall upon their own notorious misgovernment of the provinces they held. He then drew a melancholy picture of their misrule, and after describing it in detail in the darkest colors, asked: —

"Shall we retain these men as governors of our provinces? No! I vote for assigning Macedonia and Syria to the consuls elect — but in the mean time declaring them prætorian, so that the prætors may administer them for a year, and Piso and Gabinius may be at once recalled — otherwise a whole year will elapse, and in the interval there will be nothing but calamity, oppression, and impunity of crime."

He then came to the question of superseding Cæsar. It had been objected by a previous speaker, or rather he himself had been interrupted while speaking with the remark, that he ought not to be more hostile to Gabinius than to Cæsar, for the storm to which he had been forced to bow was raised by Cæsar. But he asked whether he might not first reply that he regarded the public welfare rather than his own wrongs, and if he did so he might justify himself by the example of many illustrious citizens. Speaking of Cæsar he said: —

"A most important war has been carried on in Gaul — the mightiest nations have been vanquished by Cæsar; but they have not yet been subdued to the laws. We cannot yet rely upon a firm peace. We have seen a war begun and, to say the truth, almost finished; but we can only hope to see it brought to a successful termination if he who commenced it continues it to the end. If he is superseded, we run the hazard of hearing that a mighty war has broken out afresh. Therefore it is my duty as a senator to be the enemy, if ye will so have it, of the man, but the friend of the republic. But what if I lay aside my private enmity for the sake of the republic? Who would have the right to blame me? Especially since I have ever thought that I ought to shape my conduct on the model set by the example of the most illustrious men. . . . Can I, then, be the enemy of a man by whose letters, messengers, and fame my ears are daily greeted with the names of new nations, tribes, and places? I burn, Conscript Fathers, believe me (as you give me credit for it — and as you act yourselves) with an incredible love for my country. . . . . Thus my old and constant affection for the republic reconciles me with Caius Cæsar, and restores him to my favor. Let men think what they like: I cannot be the enemy of any one who deserves well of the state."

"Why," he asked, "should Cæsar wish to stay in his province except that he might be able to complete for the benefit of the state what he had begun? You say, forsooth, that the pleasant nature of the country — the beauty of the cities — the civilization and polish of the people — the desire of victory — the extension of the bounds of our empire, retain him there! What is more savage than that land? What wilder than those towns? What more barbarian than those nations? What greater glory can be desired than so many victories? What can be found more remote than the ocean? Has he any cause to dread a return to his country, either from the people by whom he was appointed, or the senate by whom he has been decorated with honors? Does length of time increase regret at his absence, and do his laurels, which have been won in so many dangers, lose by the long interval any of their freshness? Therefore if there are any men who do not love him, there is no reason why they should summon him from his province. They summon him to glory, to triumph, to congratulations, to the highest honors in the senate — the favor of the equestrian order — the affection of the people."

The orator then burst forth into a magnificent eulogy of Cæsar's victorious career. His argument is that Gaul was the most terrible enemy that Rome had to dread, and Cæsar alone was the conqueror of Gaul. Formerly it had been thought enough to repel her attacks, but now she was attacked and vanquished herself.

"Nature," he said, "had given to Italy the Alps as a bulwark, not without a divine providence. For if that access had lain open to the fury and multitude of the Gauls, this city would never have given a seat and home to the mightiest empire. It may now rest secure — for there is nothing beyond those lofty mountains even as far as the ocean which Italy need fear. . . . Therefore let Gaul remain under his guardianship to whose virtue, honor, and good fortune it has been committed."

Nay, if Cæsar himself desired to return to Rome, if he wished to be borne in triumph to the Capitol with all his laurels thick upon him, Cicero argued that it would be the duty of the Senate to keep him there where he might finish what he had so gloriously begun. He then alluded to the honors which the Senate had heaped upon Cæsar, and said that it was wise and politic to bestow them, for thereby they attached him to their order instead of throwing him into the arms of the populace to become an agitator and a demagogue.

The peroration of the speech was as follows: —

"This then is my conclusion. If I felt enmity against Caius Cæsar, I ought at this juncture to consult the interests of the republic, and reserve my enmity to another time. I might, after the example of distinguished men, lay aside my hostility for the sake of the republic: but since there never was hostility, and the idea of injury has been extinguished by kindness — in delivering my opinion, Conscript Fathers, I will, if it is a question of bestowing

any honors upon him, consult the harmony of the senate, — if the authority of your decrees is at stake, I will keep up your authority by honoring the commander whom you appointed; — if regard is to be had to the Gallic war, I will look to the welfare of the state, — if I may take into account any private obligation, I will show that I am not ungrateful. And I should wish by so doing to satisfy all; but I shall care very little if perchance my conduct is not approved by those who protected my enemy (Clodius) in opposition to your authority, or by those who will blame my reconciliation with my enemy, although they did not hesitate to be reconciled with one who was both my enemy and their own."

It has been doubted whether Cicero delivered his speech in defence of M. Cœlius Rufus this year or not. The difficulty has arisen from the fact that we find Cœlius put upon his trial during the consulship of Domitius Ahenobarbus and Appius Claudius two years later. But this is got rid of by supposing that he was twice tried on different charges, and it may, I think, be assumed with certainty that it was about this time that Cicero delivered his well-known oration *pro Cœlio.*

The case was this: Marcus Cœlius Rufus was a young Roman knight, a native of Puteoli, who had been one of Catiline's friends, and in his early years made himself notorious, even in that licentious age, for his immoralities. He had an intrigue with the infamous Clodia, the wife of Metellus Celer, but quarrelled with her, and she vowed revenge. He grew tired of a life of idleness and pleasure, and determined to follow the path of ambition, in which he was well qualified to succeed; for he was a man of considerable ability and a good speaker. The eadiest way at Rome to get into notice was to single out some person of mark and accuse him of a criminal

offence. This, of course, was followed by a trial, in which the accuser conducted the prosecution and had an opportunity of displaying whatever powers of oratory he possessed before the people in the Forum. Cœlius, therefore, impeached Antonius, Cicero's colleague in the consulship, of some state offence, and afterwards prosecuted Atratinus for electoral corruption. In revenge for this Atratinus's son came forward and accused him of suborning assassins to commit two separate murders, and it was then that he was defended by Cicero.

The charges were that he had borrowed money from Clodia to bribe some slaves to murder Dio, one of the Alexandrian ambassadors, who had come to Italy to oppose the restoration of King Ptolemy, and that when Clodia pressed him for payment he had employed a person named Licinius to hand over a box of poison to one of her slaves for the purpose of destroying her. The nature of the indictment of course shows that Clodia was the real prosecutrix, and as such she is throughout treated and addressed by Cicero. Middleton says: "In this speech Cicero treats the character and gallantries of Clodia, her commerce with Cœlius, and the gayeties and licentiousness of youth with such a vivacity of wit and humor that makes it one of the most entertaining which he has left to us." This is rather singular praise from an English divine, and I confess I think that the defence is one of the least satisfactory amongst all the speeches of Cicero. If delivered at the present day in answer to a criminal charge, it would be thought extremely weak. Great allowance must, however, be made for the difference between

a Roman and an English trial. Anything like logical severity of proof or argument seems to have been unknown in the ancient courts of justice. There were no rules of evidence, nor specific issues, nor was there any attempt to exclude irrelevant facts from the consideration of the jury. On the contrary, it was thought legitimate to urge every conceivable topic which could prejudice them either against or for the accused; and of course the latitude of defence was in proportion to the latitude of attack.

I will give one or two passages from the speech, and only regret that space will not allow me to quote more. It will well repay an attentive perusal.

Alluding to the delicate subject of Cœlius's immoralities, he said that the charge could not make his client regret that he was born with the advantage of beauty. Such accusations were scattered against all whose person was prepossessing. But it was one thing to abuse a man, another to bring a formal charge against him. A charge implied a specific crime to be proved by argument and evidence, but abuse had no defined object except calumny; if it was coarse it was called low, if it was witty it was called clever. He expressed his regret that this part of the accusation should have devolved upon Atratinus, and that a young man of his age should have been chosen to bring forward general charges of youthful irregularities. But he denied them altogether. Cœlius had been brought up virtuously by his father, and when he assumed his manly gown he was placed under the immediate care of Cicero himself. "And of myself," he added, with graceful

modesty, "I here say nothing. Let me be just what you think me." Cœlius, in the flower of his age, was always under the eye of himself, or of his own father, or pursuing an honorable course of study in the virtuous family of Crassus.

But his intimacy with Catiline was alleged against him. To this his advocate addressed himself, and it must be admitted that he managed his defence with consummate art. If he became a partisan of Catiline, he only followed the example of many others of all ages and ranks who were led away and deceived by the extraordinary character of the man. Cicero described that character with masterly power.

"Catiline," said the orator, "had, as I think you all remember, many of the signs, not indeed stamped on his character, but shadowed forth, of the greatest virtues. He employed many bad men as his tools, and yet pretended to be devoted to the society of the best. He was licentious but laborious. He gave the reins to his appetites, and yet zealously conformed to the discipline of the camp. Never I believe was there another such a monster upon earth so made up of contrary inclinations and desires mutually in conflict with each other. Who for a time was more liked by more illustrious men? Who more intimate with baser companions? What citizen was once of greater virtues? Who a more dreadful enemy to the state? Who wallowed more in pleasure? Who was more patient of labor and fatigue? Who was more greedy and rapacious? Who more profuse in his bounty? This excites our wonder in him, gentlemen, that he made so many his friends and kept them his friends by his attentions — he shared with all of them whatever he possessed — he was ready to assist them with his money and his influence, and spared no toil nor crime, if crime was necessary, in their behalf: — he changed his nature and adapted it to the occasion. With the steady he was serious, with the loose jovial — grave in the company of the old, merry in the company of the young — bold in villany with the wicked, and effeminate with the licentious. With a disposition so complex and

various, he had not only collected round him bold bad men out of every country on earth, but attracted to him by his simulated virtues many good men also. For he never could have made his nefarious attempt to destroy this empire, if the wild growth of so many vices had not rested on the roots of a nature in some respects gentle and long-suffering. This article, therefore, may be rejected, and you may dismiss from your minds the charge of intimacy with Catiline; for it applies equally to many, and some even excellent men. I myself, I, I say, was once nearly deceived by him when he seemed to me to be a good citizen, affecting the society of the virtuous, and a firm and faithful friend."

In answer to the charge of luxurious indulgence, he excused it on the plea of youth, and pointed out how many who had been devoted to pleasure when they were young became afterwards grave and distinguished citizens. The defence, in fact, in this part of the case was virtually this: that it was natural and venial that men should sow their wild oats, provided they kept within certain reasonable bounds.

At last Cicero came to the real charge with which he had to grapple, the borrowing money from Clodia to effect the murder of the Egyptian ambassador, and the procuring poison to murder her. All the rest, he said, were not matters for judicial investigation, but were mere calumnious abuse. Let us see how he deals with the case.

"Of these two charges, I see what is the fountain-head and who is the author of them. He had need of money; he borrowed it from Clodia; and he borrowed it without a witness; he had the use of it as long as he liked. I see in this the proof of a remarkable intimacy. Again, he wished to kill her, he procured poison; he suborned murderers, and made all his preparations for the deed. In this I see a deadly hatred following a fierce quarrel. The whole controversy in this case is with Clodia, a lady not only noble but even famous, of whom I will say nothing except for the

purpose of repelling the charge. But," he continued, apostrophizing the prætor, "you understand, Cnæus Domitius, with your superior sagacity, that we have to do with her alone; and if she does not say that she lent money to Cœlius, if she offers no proof that poison was procured by him to take her off, I should act wantonly if I were to speak of the mother of a family otherwise than is due to the sanctity of the name of matron. But if setting her aside, the prosecutors have neither charge to make nor funds to draw upon, what else can I, as an advocate, do but meet our assailants with a counter attack? And this I would do more vehemently if I were not checked by remembering the enmity that exists between me and that woman's husband — *brother I meant to say — I am always committing this mistake.* Now I will restrain myself — and not go farther than my duty to my client and the case itself compel me. For I never thought that I ought to carry on a quarrel with a woman, and especially with one who has been always considered the general *friend* of all rather than the enemy of any."[1]

Then follows a long passage in apology of youthful immoralities, which Middleton no doubt had in his eye when he speaks of the "wit and humour" with which Cicero treats "the gaieties and licentiousness of youth." It comes to this — that it was utopian to expect the virtuousness of past times in the present age, — that to "forswear delights and live laborious days," was not to be expected from the young, and they might be allowed to transgress in the path of pleasure, provided they did not go too far and ultimately reformed. One sentence I will quote as showing the line of argument, and it is not

[1] It is impossible not to be struck with the art as well as the terrible severity of the whole of this allusion to Clodia. Cicero hoped to induce her to give up the prosecution by the threat of exposing her if she went on with it; and yet he could not resist the temptation to sarcasm at the mention of her name. What exposure could in fact be worse than the charge of incest implied by calling her brother her husband, and of licentiousness masked under the appellation of *amica omnium*?

exactly that which we should have expected to find approved of by an English Doctor of Divinity:—

"But if there is any one who thinks that youth should be interdicted from indulging in *amours*, he is indeed a stern moralist,—I cannot deny it,—but he is widely at variance not only with the licentious maxims of this age, but also the customs of our forefathers and what was conceded by them. For when was this not done? When was it blamed? When was it not allowed? When was that which is lawful declared unlawful?"

Still we ask, what has all this to do with the charge of intent to murder for which Cœlius was tried? Two thirds of the speech are over, and not a word has yet been said in refutation of it. Cicero, however, perhaps wisely, assumed that his only difficulty was to get rid of the prejudice against his client which his opponents had created, and he had then an easy task. He said, using a nautical metaphor, "now that my speech has emerged from the shoals and got past the rocks, it is all plain sailing before me." He argued that Cœlius could not have got the money from Clodia without telling her the purpose for which he wanted it; and if she knew this she was privy to his design and as bad as himself. But to insinuate that Clodia was privy to the crime was to admit that Cœlius was guilty, and to argue that Cœlius could not have procured the money from her without telling her his object, if he was on such terms of intimacy with her as the counsel for the prosecution alleged, was a fallacy that will not bear scrutiny for a moment.

He passed on, however, to a better point. It was, he said, impossible to believe that a man of Cœlius's understanding, to say nothing of his character, should

be so bereft of his senses as to trust his guilty secret to unknown slaves. And then he asks, almost with hesitation and apology, although we should think it was the all-important question in the case, —

"I might, in accordance with the custom of advocates and my own, demand from the accuser what evidence there is of a meeting between Cœlius and Lucceius's slaves — what access he had to them? If he went himself, what rashness! If he employed another, who was he? I might penetrate all the lurking-places of suspicion: you will find no motive — no opportunity — no means — no hope of accomplishing or concealing the crime — no reason — no trace of this atrocious crime. But all these topics, which are proper to the orator, and which, if I elaborated them, might be of some avail in my hands, with my ability and my practice in speaking, for the sake of brevity I pass over: for I have a most unimpeachable witness in Lucceius, who you well know respects the sanctity of an oath, and who would certainly have heard of such a crime attempted to the ruin of his reputation and his fortunes, and would not have allowed it to pass with impunity."

The deposition of Lucceius was then read, and Cicero proceeded.

"What more do you expect? Can you believe it possible for truth itself to speak differently? This is the defence which innocence makes. This is the language of the cause itself. This is only the voice of truth."

But posterity will judge otherwise. We do not know, and cannot now ascertain, whether Cœlius was innocent or guilty, but assuredly the testimony of Lucceius could prove little or nothing to the point. All he could say would be that *he* had never heard of the attempted crime, and did not believe it possible. He was called to prove a negative, which is simply an impossibility. The real defence of Cœlius, according to our notions, and they are those

of common sense, consists in the few words that follow, of the force of which Cicero, however, seems to have been unconscious. It does not appear to have occurred to him that the *onus probandi* lay wholly on the prosecution; they were bound to make out their case by evidence, and if that failed, his client must be pronounced not guilty. But, as I before said, logical strictness was unknown in the Roman courts of justice. Rhetorical flourishes were accepted instead of proof, and the most rambling charges, if enforced by eloquence, were sufficient to place a man's life and liberty in jeopardy. In the next passage we find the point on which an English advocate would have triumphantly relied, or rather, if what Cicero says is true, he would not have been called upon to address the jury at all; for the case for the prosecution would have broken down.

"In the facts which are said to have happened there is not a trace of words spoken, or place or time: *no one is called as a witness to prove them; no one was privy to the crime.* But that family where so nefarious a deed is said to have been committed is distinguished for its uprightness, its virtue, and its piety, — from that family you have heard an authoritative voice speaking under the obligation of an oath, — so that you have to balance in a matter, which really admits of no doubt, which of the two things is most likely, — whether that an enraged woman has trumped up the charge, or that a grave, wise, and respectable man has given his evidence with due regard to the sanctity of an oath."

There remained the charge of attempting the life of Clodia by poison. Cicero asked: —

"But as to the poison — Where was it procured? how prepared? to whom given, and where? They say that he kept it at home and made an experiment of its effects upon a slave, by whose speedy death he was assured of its fatal strength. . . . They say

that the poison was given to Licinius, a modest and excellent young man, and friend of Cœlius, — that an appointment was made with the slaves to come to the Xenian baths, — that Licinius was to go there and hand over to them the box of poison. Now here I first ask with what object the poison was carried to that place? Why did the slaves not come to Cœlius at his own house? If such intimacy still existed between Cœlius and Clodia, what cause of suspicion could there have been if one of the woman's slaves were seen at his house? But if ill feeling had arisen between them, if their familiarity was at an end, and a quarrel had taken place — then I say *hinc illæ lacrymæ*, and this is the cause of all these criminal charges. She says forsooth — cunning woman that she is — that when her slaves informed her of Cœlius's nefarious design, she told them to promise him everything; but that the poison might be openly seized when it was in the act of being given to Licinius, she ordered them to appoint as the place of meeting the Xenian baths, where she would send friends to remain concealed who would, when Licinius came, rush forward and take him in the act."

Of course all this was capable of proof. If witnesses had come forward who swore that they were at the baths, as Clodia averred, and had seized Licinius with the poison in his hand, it would have gone a long way to establish the charge. But it appears that up to the time when Cicero addressed the jury, no witnesses had been named who could speak to these facts, and he resorts, as usual, to presumptive evidence to disprove that of which the prosecution had given no evidence.

"Why," he asked, "did she appoint public baths of all places in the world for the meeting? I know of no lurking-place there where grown-up men can hide themselves. For if they were in the vestibule of the baths they would not be concealed; but if they wished to retire into the interior, they would find it very inconvenient to do so with their clothes and sandals on. And perhaps they would not be admitted — unless indeed this influential woman

from her habit of using the halfpenny public baths had become friends with the bathman." As to the witnesses, he ironically said, "they must, no doubt, be respectable men who were intimate with such a woman, and consented to lie in ambuscade in a public bath for such a purpose."

It was further alleged that they had rushed forward too soon, and that Licinius escaped with the poison in his hand; but Cicero treated this as an absurd and improbable story, for it was not likely that men who had been posted there for the very purpose of seizing him would have let him slip. The whole thing looked, he said, like a stage plot, where the hero escapes and at the same moment the curtain falls.[1]

He then urged, what to us seems the most obvious remark to have been made at the outset, that the whole case depended on witnesses, the presumptive evidence being the other way. In a tone of bantering ridicule he said: —

"I am anxious to see first the fashionable youths who are the friends of this rich and noble lady; and next the brave men who were posted by their female commander in the ambuscade and garrison of the baths. I will ask them in what manner and where they lay hid — whether it was in a Trojan horse which concealed so many invincible heroes carrying on a woman's war."

He concluded by a sketch of Cœlius's past life, showing how unlikely it was that he should be guilty of so great a crime. He had faults, but they were the faults of youth, and such as time would cure.

"Preserve, therefore," he exclaimed, appealing to the jury, 'preserve to the republic a citizen of virtuous pursuits and good qualities, and the friend of good men. This I promise you and guarantee to the state, that his mode of life will not differ from

1 *Aulæa tolluntur* — literally "the curtain rises," but, as is well known, on the stage of the ancient theatres the curtain was pulled *up*, not *down*.

mine — if I may speak of myself as having done good service to the state. . . . When you think upon his youth, think also on the age of his unhappy father who is before you, and who leans for support upon this his only son. . . . Consent not that the one, whose sun is already setting in the course of nature, shall be crushed by a blow from you sooner than by his own destiny; or that the other, now for the first time blossoming with the leaves of hope and when the stem of virtue is growing strong, shall be overthrown as it were by a whirlwind or a tempest. Preserve the son to the parent, the parent to the son, lest it should be thought that you despised old age in its despair, or crushed instead of saving youth when it was full of the greatest promise. If you do preserve him for yourselves, his friends, and the republic, you will have him devoted to you and to your children, and you, above all others, will reap the rich and lasting fruits of his industry and exertions."

Whatever we may think of the argument of this speech, it had the merit of success. Cœlius was acquitted, and the prediction of his advocate was fulfilled. He became afterwards a distinguished man.

CHAPTER XV.

LETTERS FROM THE COUNTRY. — ATTACK ON PISO. — GOSSIP. — DEFENCE OF PLANCIUS. — POLITICAL APOLOGY. — DISTRACTED STATE OF ROME.

Æt. 55. B. C. 52.

Cicero passed a considerable part of the next year in the country at one or other of his favorite villas, amusing himself with his books, or employing his leisure time in literary composition. We will follow him there, and see him occupied in more congenial pursuits than politics, of which he was weary, and in which he met with little but vexation and disappointment.

His first letter to Atticus is dated from Antium, where he was attended by his friend's faithful and intelligent freedman, Dionysius, who assisted him in his studies.[1] We next find him at his villa near Puteoli (*Pozzuolo*), in the Bay of Naples. He describes himself as devouring the library of Faustus, a son of Sylla the dictator, and son-in-law of Pompey, who inherited an immense collection of books which his father had got together when he plundered Athens, and these he kept at his country-seat near Puteoli. Cicero jokingly adds, that perhaps Atticus

[1] It was a pleasant memento of their friendship that Dionysius, on his manumission, assumed a name from each of them, and was called in future Marcus Pomponius Dionysius. — See *Ad Att.* iv. 15.

thought he was devouring the good things of Puteoli and Lucrinum, which was famous for its oysters.

But in the present state of public affairs, he said he had lost all taste for other enjoyments except his books, which refreshed and delighted him; and he says he would rather sit with Atticus on the seat in his library beneath the bust of Aristotle than in *their* curule chair (meaning of course the triumvirate, although he is too cautious to name them), and would rather walk with him than with the man (Pompey) with whom he saw he must walk. But as to that walk chance must determine, or Providence, if there was such a Being who cared about it.[1] He begs Atticus to look after his gallery and vapor-bath, and all that his architect, Cyrus, had engaged to do, and press the contractor to use dispatch with the building of his house at Rome. He then mentions that Pompey had come to his villa at Cumæ to pay him a visit, and had immediately sent to inquire after him. He was going to see him next morning.

The interview took place, and they discussed the state of public affairs. Pompey was dissatisfied with himself; and the private correspondence of Cicero reveals his real opinion of him, which we look for in vain in the fulsome compliments he paid him in the senate-house. He, as I have before said, never really trusted Pompey, although he undoubtedly liked him, and looked upon him as the chief stay

[1] Sed de illâ ambulatione fors viderit, aut si qui est qui curet Deus. — *Ad Att.* IV. 10. This might seem as if Cicero were a convert to the Epicurean philosophy of his friend. But most probably he said it only in jest; for there can be no doubt that he believed in the existence of Providence and a future state. See, amongst other proofs, *ad Att.* VII. 1; *de Divin.* I 51; *de Legg.* II. 7; *de Senect.* 23.

of the aristocratic or conservative party, to which he was himself so strongly attached. He struggled hard to believe that Pompey was the man for the time, but he constantly disappointed him. And yet there was no one else of sufficient mark to be the leader whom Cicero was prepared to follow.

It was a sign of the times that Porcius Cato was this year defeated in a contest for the prætorship, and Vatinius, the worthless creature of Cæsar, whom Cicero had severely handled in his defence of Sextius, was elected in his stead. But a still more painful circumstance was, that a law was actually passed on the thirteenth of May, on the motion of Afranius, enacting that it should not be punishable to have carried a prætorian election by bribery![1] Cicero alludes to this in a letter to Quintus, and says that the law caused great grief to the Senate. He adds, that the consuls, Pompey and Crassus, supported Afranius, and threw Cato overboard altogether.

It is pleasant to notice the terms of affectionate intimacy on which the two brothers were. Cicero seems to have loved Quintus with a love passing the love of woman. His letters to him form some of the most charming portions of his correspondence, full of playful allusions, the point of which is however dimmed, and in many cases lost, by the lapse of nearly two thousand years.

In his next letter to him, he tells him that no muse-stricken poet takes more delight in hearing his own verses read, than he does in reading his brother's letters on every subject public or private, and whether full of the gossip of the country or the town. *Apropos*

[1] Ne qui præturam per ambitum cepisset, ei propterea fraudi esset.

to the question of bringing their friend Marius to his villa, he mentions a practical joke he once played him. He was taking him with him to Baiæ, and he dressed up a hundred men as soldiers with swords, to follow the palanquin (*lectica*) that conveyed him. Marius, who had no idea that he was accompanied by so warlike a retinue, happened to open the window of his litter, and when he saw the armed attendants nearly fainted with terror, to the great amusement of Cicero.

In another letter he expresses his opinion of the poem of Lucretius, and says it showed little genius but much art, a judgment in which we can hardly coincide. Genius alone could have made him successful in dealing with so unpromising a subject for poetry as *Natura Rerum*. It is one of the grandest remains of Roman literature.

To Atticus he wrote in May, and told him he was devouring literature with Dionysius, whom he calls a wonderful man. Nothing he said was more delightful than universal knowledge.[1] He was soon afterwards on his way back to Rome, and begged Atticus to come and dine with him, and bring his wife, Pilia, on the second of the following month, saying that he intended to dine on the first with his son-in-law Crassipes, like a traveller at an inn, and go home afterwards, giving the go-by to the order of the Senate, which required the senators at Rome to attend its meetings, equivalent to what we should term a call of the House.

In few things he took greater delight than in ornamenting his villas, and especially his Tuscula-

[1] Οὐδὲν γλυκύτερον ἢ πάντ' εἰδέναι. — *Ad Att.* IV. 11.

num. He had given a commission to Fadius Gallus to make some purchases for him, which his friend seems to have misunderstood. He bought four or five statues, consisting of figures of Bacchanals, one of Mars, and another sculptured as a support for a table. But Cicero did not much care for statues, his passion was pictures and books; and he wrote and told Gallus that he had given more for them than all the statues in the world in his opinion were worth. Gallus had written to him that the Bacchanals might vie with the group of the Muses which Cicero had previously purchased from Metellus; but he replied, —

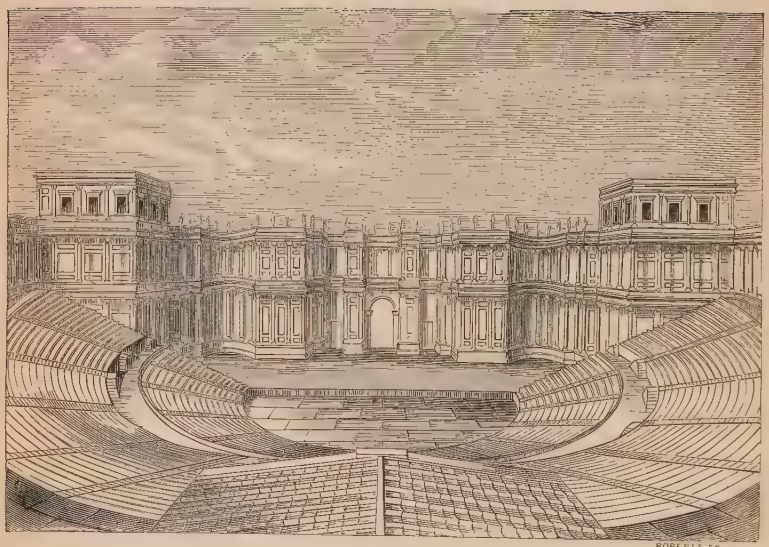
"What resemblance is there? In the first place I should have never thought the Muses worth as much as you have given, — and I am sure all the Muses would agree with me, — but they suited my library and were appropriate to my studies. But what place have I for Bacchanals? You say they are pretty; — I know them well, and have often seen them; but if I had approved of them I would have given you a distinct commission to purchase statues so well known to me. For I am in the habit of buying only those statues which do for ornamenting my *palœstra* in the manner of *gymnasia*. But what have I, a man of peace, to do with Mars? I am glad that there was no figure of Saturn amongst them; for I should have feared that those two statues would have got me into debt. . . . I have been putting up some seats with niches against the wall (*exhedria*) in the portico of my Tusculan villa, and I wish to adorn them with pictures. If anything of that kind delights me it is paintings. If, however, I must have the statues, I wish you would tell me where they are, when they are to be sent for, and by what kind of conveyance. For if Damasippus (who talked of buying them) changes his mind, I will find some *pseudo* Damasippus to whom I can sell them even at a loss."

The Damasippus here alluded to is the virtuoso and antiquary so pleasantly described by Horace in

one of his satires, who ruined himself by his dilettante tastes.

If we turn from Cicero's familiar correspondence with his intimate friends to his letters addressed to politicians and statesmen, we are struck by the change of style. When he writes to Atticus, or Quintus, or Terentia, or Tiro, the sentences are short, and often elliptical. He hints frequently his opinion by a word. In fact, the letters are just what we might expect from a man who knows that his meaning will be understood by the friend to whom he writes, however brief and playful or ironical his expressions may be. But when he addresses a *political* friend or acquaintance, his style is stately and elaborate — with long-winded sentences full of profuse compliment. The genius of the Latin language is peculiarly suited for this pompous kind of composition, and hence it is the language above all others adapted to lapidary inscriptions. In a letter to Lentulus, the proconsul of Cilicia, written about this time, Cicero says, with an exaggeration which carries insincerity on the face of it, "I wish you to be perfectly assured, that there is nothing however small it may be in which you are interested, which I do not hold dearer than all my own concerns!" But I mention the letter chiefly to show how he still clung to Pompey. He declares that so great is his inclination, nay, love towards him, that whatever is advantageous to him, and whatever he wishes, seems to him right and true.

Pompey celebrated his second consulship by exhibiting shows and games of extraordinary splendor. The excuse was the dedication of a magnificent



POMPEY'S THEATRE

RESTORED BY L'AV CANINA

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theatre he had built upon the model of one he had seen at Mitylene on his return from the war against Mithridates. It is said to have been large enough to hold eighty thousand spectators. Some fragments of the immense building still remain. On this occasion every kind of amusement of which the Romans were fond was lavished upon the populace. Stage plays were acted, in which the *mise en scène* was got up with unusual attention to effect. Broad farces and pantomimes kept the audience in a roar. Athletes struggled, and gladiators fought day after day —

"Butchered to make a Roman holiday."

Africa sent her wild beasts into the arena; and five hundred lions and eighteen elephants were slaughtered in what were called "hunts," that lasted for five days. We can hardly form an idea of the gigantic scale on which these cruel sports were conducted at Rome, which have no parallel in modern times, not even in the bull-fights of Spain. Cicero gives an account of the whole show in a letter to his friend Marcus, written in a very splenetic mood. He took little pleasure in anything that was addressed rather to the eye than the mind, and his taste was too severe to appreciate as we do the accessaries of stage scenery. He asks what enjoyment there can be in seeing six hundred mules on the stage in Clytemnæstra, or three thousand soldiers in the play of the Trojan horse, or a crowd of infantry and cavalry in a sham-fight which so delighted the populace. He certainly would not have appreciated the way in which we have of late years

seen the plays of Shakspeare brought upon the stage. Besides, the actors displeased him. Æsop, the famous tragic actor, the Garrick of his day, — from whom Cicero had taken lessons in elocution and delivery, — was growing old. He broke down in one of his parts, and his voice failed him. Then as to the "hunts," what pleasure was there, he asks, in seeing a poor fellow torn to pieces by a powerful brute, or a noble animal stricken by a spear? What would he have thought of a modern fox-hunt? He says the elephants excited the pity of the crowd, who could not help feeling that they had something human about them. Dio Cassius, indeed, tells us quite gravely, and with all the simplicity of Herodotus, that when the creatures lifted their trunks aloft uttering cries of pain, the spectators thought that they were appealing to Heaven against perjury, for it was believed that to induce them to embark on the coast of Africa, their conductors had sworn to them that they should meet with no harm!

But Cicero had not been wholly occupied with the shows. In the midst of them he pleaded the cause of Caninius Gallus, who had been a tribune of the people, and was impeached when he laid down his office. The speech is lost, but it seems to have been successful. In the letter to Marius, in which he mentions this defence, he complains of weariness of a pleader's task, and says that if the people were as complaisant to him as to Æsop the actor, he would gladly give it up. Formerly he might decline any cause he pleased, and yet even then, though youth and ambition spurred him on, he grew tired of the work. Now, however, he was plagued to death by

it; for he looked forward to no benefit from his labors, and was sometimes compelled to defend men who deserved very little at his hands, at the request of others to whom he was under obligations.

He had delivered in the Senate a more important speech a few days before. It is that which is known as *in Pisonem*, — the most savage of all his orations. Piso had been recalled from his government of Macedonia, and he complained in the Senate of the way in which he had been attacked by Cicero, who proposed that he should be superseded. This gave the orator the opportunity, which he eagerly seized, of pouring out on the head of the devoted ex-consul all the vials of his wrath. The language he made use of was quite unworthy of his lips, and we can only wonder that it was tolerated by the senators of Rome.

He calls Piso a beast, a butcher, a lump of mud, a gallows bird, a carcass, a monster, filth, and other names with which it really would not be decent to pollute these pages. As a specimen of the style, it will be sufficient to quote the passage with which the speech as it has come down to us opens; for the original commencement is lost: —

"Do you now see, you beast, or do you feel, what sort of complaint men make of your appearance? Nobody complains that some Syrian from a gang of slaves was made consul. It was not your slave-like complexion, not your shaggy cheeks, not your decaying teeth, that deceived us. Your eyes, your eyebrows, your forehead, in short your whole countenance, which is a sort of silent language of the mind, betrayed men into their mistake. This it was that deceived, cheated, and imposed upon those to whom you were unknown. Few of us had known your grovelling vices — few, your sluggishness of intellect, your stupidity, and the imbecility of your tongue. Your voice had never been heard in the

Forum. No one had made the experiment of consulting you. No action of yours, either military or civil, was, I do not say illustrious, but even known. You stole in upon public honors by a mistake, by the recommendation given you by the smoke-stained busts of your ancestors, with which you have nothing in common but your color."

He described an interview which, accompanied by his son-in-law, Piso's relative, he had with him during his consulship, in terms which it is hardly possible to quote. They found him in the morning reeking from a debauch, and were almost stifled with the fumes that he exhaled, while he pretended that he was obliged to take wine medicinally, and drove them away with the most discourteous reply and the most vulgar and offensive manners. We may remember that when Clodius asked the consuls at a public meeting what they thought of Cicero's conduct in the Catiline conspiracy, Piso mildly replied that he did not approve of cruelty. This was not forgotten by the orator, and he burst out in a fine passage of indignant eloquence, which may be compared with the withering sarcasm of Brougham in that part of his speech in defence of Williams on a criminal information for a libel against the clergy of Durham, where he retorts the charge of hypocrisy upon the reverend prosecutors. The point consisted in the contrast which Cicero drew between his own alleged cruelty in proposing that the conspirators should be put to death which the Senate, and not he, determined, and the cruelty of Piso in forbidding the Senate to go into mourning when Clodius threatened Cicero with proscription.

"What Scythian tyrant," he asked, "did this? refuse to allow

those to mourn whom he was plunging in sorrow! You leave the grief — you deprive them of its emblems — you snatch from them their tears, not by consolations, but by threats. But if any of the Conscript Fathers had changed their dress, not in obedience to a public resolution, but from feelings of private duty or compassion, it was an act of intolerable tyranny, by the interdict of your cruelty, not to permit them to do so. When, however, the crowded Senate had voted for it, and the other orders in the state had already done it, you — dragged out of a murky stew to be consul, with that frizzled ballet-dancer of yours — forbade the Senate of the Roman people to mourn the sunset and destruction of the Republic."

In the autumn Cicero went into the country, and in the middle of December was at his Tusculan villa, where he was glad to escape being present at the debate that took place in the Senate about Pompey's and Cæsar's provinces. Pompey had the proconsular government of Spain and Africa bestowed upon him for five years; and Cæsar demanded a prolongation of his command in Gaul for the same period, to enable him to complete and consolidate his conquests. This led to some sharp debates; but ultimately Cæsar carried his point, supported as he was by Pompey, who little knew what a power he was building up for his own destruction. In the letter which alludes to this, Cicero mentions the departure of Crassus from the city to take possession of his ill-omened government of Syria, from which Gabinius had been recalled, like Piso from Macedonia. Ill-omened indeed it was, in every sense. Ateius Capito, a tribune of the people, at first forbade him to go, and attempted to throw him into prison. Some of the other tribunes, however, interfered, and Ateius then solemnly cursed him, which

seems to have had such an effect that no one of note except Pompey ventured to accompany him outside the walls. Under these gloomy auspices he set out.[1]

Before he finally left, Cicero, yielding to the earnest desire of Pompey and of Cæsar, who urged him strongly by letter to lay aside his enmity to Crassus, had been reconciled to him, and at his express request dined with him in the gardens, or park, of Crassipes, which were outside the city, where Crassus, as clothed with a military command, could not now remain.

The great literary work on which he was engaged this year was his *De Oratore*, in three books, which he tells Atticus in December he had finished, after long and careful labor, and his friend might have a copy of it. It is one of the most finished and most interesting of all his compositions, and happily has come down to us in a perfect state.

The election of consuls for the new year, B. C. 54, had been put off from time to time until the close of the last, chiefly, no doubt, owing to the intrigues of the triumvirate party, who wished, if possible, to exclude Domitius from the office. But he succeeded at last, and Appius Claudius Pulcher, the brother of Clodius, was his colleague.

We shall see Cicero this year drawing more and more closely to Cæsar, the fame of whose victories kept up his reputation and influence at Rome. Quin-

[1] While the army was assembling at Brundusium to embark for the East, a seller of figs was heard calling out his fruit in the street — *Cauneas! Cauneas!* — pronounced probably *Caf'neas* — which the superstitious minds of the hearers interpreted as a prophetic warning — *Cave ne eas!* — "Beware of going!" — Cic. *de Div.* ii. 40.

tus had accepted the office of one of his lieutenants, and left Rome for Gaul.

In a letter to him, his brother says that Appius the consul had summoned the Senate to meet on the twelfth of February, but the cold was so severe that he was compelled by the clamor of the populace to dismiss the meeting. We may remember how, on one occasion, Clodius's mob thronged the *Græcostasis* and steps of the building, and frightened the senators by their shouts. It would startle us to hear that the two Houses of Parliament had adjourned because the crowd in Palace Yard thought the weather too cold!

When Cæsar was consul, he had granted to Antiochus, king of the petty principality of Commagene, the honor of wearing a *prætexta*, or robe of office worn by the magistrates at Rome, which was something equivalent to the gift of the insignia of the Order of the Garter or the Bath by our own Sovereign to a foreign prince; but the privilege seems to have been limited to a year; and perhaps the consul had no power to grant it for a longer period. Antiochus wished to have it renewed, but Cicero laughed at his pretensions; and, addressing the senators, asked them, "Will you, noblemen as you are, who refused the *prætexta* to a Bostrenian chief, permit a Commagenean to wear it?"

In the letter mentioning this, Cicero says that Balbus had heard from Cæsar that a packet of letters addressed to him, including one from Cicero, had got so saturated with water, that the letter was wholly unrecognizable. He had, however, been able to decipher part of a letter from Balbus, sufficiently to

make out that it contained an allusion to Cicero, which seemed to promise something which was more to be wished than hoped for. There can be no doubt of Cæsar's anxiety to gain Cicero on his side. He was the man above all others whose support would have been invaluable to him. It would have gone a long way to disarm suspicion of his ultimate designs, if he could have secured the man who was *par excellence* the champion of the authority of the Senate, and had a horror of violence. And no one can blame Cicero for wishing to stand well with Cæsar, and agreeing with him so far as was possible without a compromise of principle.

As his first letter was thus practically lost, he sent Cæsar a copy of it; and as the proconsul of Gaul had jokingly alluded to his own poverty, he added, in the same strain, that he had better not become bankrupt by relying upon his (Cicero's) purse. He told Quintus that he heard from all quarters of Cæsar's kindly feeling towards them both.

He took the opportunity afforded by a letter of introduction, which he gave to his friend Trebatius, an eminent lawyer,[1] in February, to write to the proconsul of Gaul in a friendly and familiar tone, telling Cæsar that he considered him a second self. He wrote also to Quintus, and said: "I agree with you about Pompey, or rather you agree with me. For, as you know, I have for a long time past been singing the praises of Cæsar. He is, believe

[1] This is the same Trebatius whom Horace introduces in his Satires, ii. 1, as recommending a swim across the Tiber to secure a good night's sleep. In another letter Cicero jokes him for being very fond of swimming — *studiosissimus natandi* — and yet unwilling to cross the Straits with Cæsar into Britain. — *Ad Div.* vii. 10

me, a bosom-friend, and I do not intend to let him slip."

His next two letters are to Trebatius, who had joined Cæsar in Britain; and are worth noticing merely from the passing allusions to the barbarous country of our ancestors. He tells him to beware of the charioteers (*essedarii*) of Britain; and says he hears there is neither gold nor silver there. He therefore advises his friend, if this is so, to get one of their chariots, and come back to Rome as quickly as possible.

In May Cicero went into the country, and spent a couple of months at his Cuman and Pompeian villas. He wrote to Quintus, and told him he was engaged upon his work, *De Republicâ*, which he calls a tough and troublesome task; but if it turned out according to his expectation, the labor would be well bestowed. If not, he would throw it into the sea which he looked down upon as he was writing, and would try something else, as he could not be idle. He said he would look carefully after his nephew, Quintus's son; and if the boy did not despise him, would act as his tutor, for which he was qualified by attending to the education of his own son. In a letter to Atticus, who had just left Rome, he begs him to give directions that he may be allowed free access to his library in his absence, as he wished to consult some books, and especially the works of Varro, with reference to what he was then engaged upon.

On his return to Rome in June, he wrote to his brother, and told him he had received two letters from him, together with one from Cæsar, full of civility and kindness. He speaks of Cæsar's affec-

tion as a thing which he preferred to all the honors which the proconsul assured him he might expect from him; and then goes on, —

"I am ardently desirous now to devote myself to him alone, and perhaps I shall do what often happens to travellers who are in a hurry. If they rise later than they intended, they make up for lost time, and so arrive at their journey's end sooner than if they had awakened before daybreak. Thus I, since I have so long slumbered in cultivating that person, although you often urged me to do so, will, as you tell me that my poem is approved by him,[1] by my future speed make up for past slowness with my poetic steeds and chariot. Only give me Britain to paint with your colors and my own pencil."

What a pity it is that such a book was never written. A description of Britain by Cicero, from information supplied by his brother, would have been a most interesting work.

As to politics, he adds, that there was at Rome some suspicion of a Dictatorship; and everything was quiet in the Forum — the usual focus of disorder at Rome; but this was a sign of the Republic getting into its dotage, rather than of tranquillity.

Quintus had hardly been able to make out his brother's last letter, on account of the badness of the handwriting, and fancied that he must have been either too busy or too excited by some cause or other to write legibly. Cicero now assured him that this was not the case, and laid the blame upon his pen for he always took up the first that came to hand, and scribbled away with it, whether it was good or bad. But he promised that he would in future use

[1] Perhaps this was the poem *De Temporibus suis*, which embraced the events connected with his exile; or it may have been some panegyric on Cæsar's exploits.

a good pen, well-mixed ink, and smoothed paper.[1] He urged Quintus to stay in Gaul, where he had a good opportunity of making money and getting out of debt. His advice, in short, was that of Iago to Roderigo: "Put money in thy purse; follow these wars; I say, put money in thy purse." He said there was no reason why Quintus should return to Rome, as he had generously offered to do if he could be of use to his brother, or danger threatened him. He gave a cheering account of himself at this period. His morning *levées* were crowded, and he was received with popular applause in the Forum and the theatre; while, with Cæsar and Pompey on his side, he felt secure against any attack from Clodius. He would soon, he said, be free from debt, if life and health were spared. He drew a melancholy picture of the corruption that was going on at Rome. Four candidates for the consulship were in the field; and the bribery was enormous. He declared that there never was anything like it. The interest of money actually rose in consequence from four to eight per cent.[2]

He gave the same account to Atticus; and, as his friend was a capitalist, and, like his deceased uncle, Cæcilius, lent money at usury, he added that he was not likely to take to heart the rise in the rate of interest.

1 Calamo et atramento temperato, charta etiam dentata, res agetur. — *Ad Quint.* ii. 15.

2 Idib. Quint. fœnus fuit bessibus ex triente. — *Ad Quint.* ii. 15. The usual rate of interest at Rome was *triens*, or a third of an *as*, and this was reckoned by the month (as is the case in India), so that it amounted to four per cent. per annum. The *bes* was two thirds of an *as*, and therefore *fœnus bessibus* was eight per cent.

At this time, June and July, he was busily engaged in the duties of an advocate. He had just defended Messius, who had been recalled to take his trial from an embassy on which he had been sent by Appius Claudius, the consul, to Cæsar in Gaul, and was preparing to defend Drusus on a charge of corruptly betraying a case he had undertaken; and Scaurus, who was accused of embezzlement in Sardinia; and Plancius, who had behaved so kindly to him in his exile, and who was in Sardinia, now accused of bribery. He told Atticus that he had before him a list of glorious titles for his speeches, with so many defences on his hands. But he was annoyed at the acquittal of Sufenas and the demagogue tribune Cato, who were both brought to trial for bribery and corruption. At the same time, Procilius, who was tried for an attempt to murder, was convicted; and Cicero sarcastically remarks, — "From this we may see that our stern Areopagites do not care a straw for bribery, comitia, interregnum, treason, or, in short, the Republic altogether. To be sure, we ought not to try and murder the head of a family at his own house, and even that point is not altogether clear. For twenty-two were for an acquittal, and twenty-eight for a conviction." Hortensius defended Procilius, and Cicero was with him, but did not speak. The reason he gives is, that his daughter Tullia, who was then unwell, was afraid lest he might come into collision with Clodius, who conducted the prosecution. After this, he went on what we should call a special retainer into the country.

The inhabitants of Reate (*Rieti*) had a quarrel with their neighbors, — who lived at Interamna, near

the confluence of the rivers Velinus and Nar (the *Velino* and *Nera*), and were hence called Interamnates, — about draining the lake Velinus. For a tunnel had been cut through the mountains, and the waters carried off into the Nar, the consequence of which was that the territory of the Reatians, which was called Rosea, and was one of the loveliest spots in Italy, was left dry; and they now sought to obtain compensation from the Interamnates. A commission was appointed, consisting of one of the consuls and ten assessors, to try the cause, and the Reatians had the good fortune to be able to engage Cicero as their counsel. We do not know the result; but he tells us that, while there, he resided with Accius, a Roman senator, who had a villa in the pleasant Rosea, which he calls Tempe for its beauty.

On the eighth of July he returned to Rome, and wrote to Atticus, with an affectation of modesty, that, when he appeared in the theatre, he was received with loud applause.[1] As to the actors, Antiphon, who had been once a slave, was far the best, but his voice was weak. He also mentions an actress named Arbuscula as having been very successful, although we know from Horace that she was at least once hissed in the theatre.[2]

Writing to Trebatius in Gaul, he tells him that a friend of his, whose name he pretends he cannot recollect, has frequently asked him to dinner, but, although he is much obliged to him, he has not ac-

1 Sed hoc ne curares ; ego ineptus qui scripserim. — *Ad Att.* IV. 15.

2 Horace says that Arbuscula, when hissed by the audience, said she was content with the applause of a Roman knight —

> —— Nam satis est equitem mihi plaudere, ut audax.
> Contemptis aliis, explosa Arbuscula dixit. — Sat. I. 10.

cepted the invitation.[1] He congratulates Trebatius on being thought by Cæsar an excellent lawyer, and says that, if he had crossed over to Britain, he would certainly have found no one there more learned in the law than himself. Those were not the days of Cokes and Hardwickes and Mansfields in our island. He jokes him about the cold of the approaching winter, and advises him, as he was not very well off in military cloaks, to keep up a good fire, which he might do on the authority of grave jurisconsults, such as Mucius Scævola and Manilius, if he wanted chapter and verse for it.

The next letter to Quintus was written by an amanuensis, which Cicero said was a sure sign that he was busily employed. He had never, in fact, according to his own account, been more occupied with cases than now, and at the most unhealthy season of the year, when the heat was intense. The climate of Rome in August was never good, and at the present day is positively dangerous. All who can get away leave the city to take refuge in the hills, returning not sooner than October. The wonder is, that Cicero was able to labor in the courts at all in such an atmosphere; for he declares that he never remembered the heat greater. He said that in the afternoon he was going to defend Vatinius, accused of bribery and corruption in his canvass for the prætorship, and the same man whom he had before so bitterly attacked, when he was counsel for Sextius. But Vatinius, as the reader will remember,

[1] His real name was Cn. Octavius (see *ad Div.* VII. 16). He obviously bored Cicero, who did not behave very civilly to him; for when he pestered him with invitations, he asked him, point-blank, "Who are you?" — *Ad Att.* IV. 15.

was a fast friend of Cæsar, and Cicero's policy was to oblige Cæsar as much as possible. His speech on this occasion is lost, and it is perhaps better for his reputation that it is so. But he not only defended him as an advocate; he gave evidence for him as a witness to character. This was called *laudare*. People must have stared when they heard Cicero praising Vatinius.[1]

Quintus just then was full of a plan he had in his head to write a poetical account of Britain, and his brother told him he had a capital subject. He promised to help him with some verses, as he had asked for them; but it was like sending owls to Athens.[2] He was pleased that Cæsar approved of his poem (either the one *de Consulatu*, or *de Temporibus*), and the great soldier seems to have criticized it attentively, declaring that he had never read better verses even in Greek, — he could hardly have been as fond of Homer as Alexander was, — but finding fault with some passages as written too carelessly.[3]

The extreme heat at last drove Cicero away from Rome, and in the beginning of September he went to the cool and pleasant shades of his villa at Arpinum, from which he began a long gossiping letter to his brother, which he did not finish until his return

[1] Licinius Calvas was the prosecutor; and Vatinius felt his sarcasm so keenly, that while Calvas was speaking he sprang from his seat and exclaimed, "Must *I* be condemned because *he* is eloquent?"

[2] Γλαῦκ' εἰς Ἀθήνας. A phrase exactly equivalent to ours of "sending coals to Newcastle."

[3] Cæsar knew the Greek language thoroughly, as did most educated Romans at this period. One of the shortest letters on record is that which he sent in Greek to Quintus, when he was besieged by the Gauls, and almost in extremity: Καῖσαρ Κικέρωνι. Προσδέχου βοήθειαν. "Cæsar to Cicero. Expect help."

to the city before the end of the month. It is full of amusing details, and we there see the orator and statesman changed into the plain country gentleman, planning improvements, suggesting alterations, and giving his opinion about roads, watercourses, and buildings. On his way he paid a visit to Quintus's villas, called Arcanum and Laterium, with their neighboring farms, and gave him an account of the progress of the works that were going on. He had bought a farm for his brother at Arpinum, and says he never saw a shadier or better watered spot for summer. It was to be converted into a villa, and ornamented with a fish-pond, fountains, shrubberies, and a *palæstra* or place for gymnastic exercises.

These are trifling details, and may seem hardly worth mentioning after the lapse of nineteen centuries. But, I confess, I think differently. It is pleasant to make acquaintance with the ancients at *home*, and find them engaged in occupations and pursuits similar to our own. It does not lessen our admiration of Cicero as an orator to see him amusing himself as a farmer or country squire; and it increases our interest in him, and makes us feel better acquainted with him.

Piso had published an attack on him in the form of a speech, and Quintus had advised him to reply to it. But he declined to do this, on the ground that no one was likely to read Piso's libel, and every schoolboy got by heart his own former oration against him. This is a little bit of vanity, as is also what he says about Milo. Some one had written and told Cæsar that Milo had been loudly applauded by the people, owing, no doubt, to some splendid

shows he had exhibited as ædile; and Cicero adds that he is quite willing that Cæsar should believe that the applause was great, as was certainly the fact; but he could not help thinking that some part of it was intended for himself! But if he was a vain, he was also a kind-hearted man. He mentions at the beginning of his letter that he had left Rome when the autumn games were going on; but he had given directions to his freedman Philotimus to secure places at the theatre for his fellow-townsmen from Arpinum, many of whom came up to Rome to witness the spectacle.

Gabinius, who, as I have before mentioned, had been recalled from his province of Syria in disgrace, reached Rome on the twentieth of September, and, after lingering outside the gates for more than a week, pretending that he had claims to a triumph, slunk into the city at night. He was immediately assailed by a prosecution for having quitted his province without leave, in order to restore Ptolemy to the throne of Egypt by force, and four more were awaiting him, three for embezzlement, and one for bribery. So that he was in a very unenviable position — indeed, a miserable and forlorn one, as Cicero calls it. He told his brother that Pompey was very pressing to induce him to be reconciled with Gabinius, but in vain; and he declared that, if he retained his liberty at all, he never would be. But very soon afterwards he surrendered his liberty, and defended in a speech no longer extant this very Gabinius, the object of his loathing and contempt. Just about this time Pompey lost his wife Julia, who was Cæsar's daughter. She died in childbed; and thus,

although the rupture did not immediately appear, the last link was snapped which held the two ambitious rivals together. Cæsar bore the sad bereavement with manly fortitude. Writing to his brother, Cicero alluded feelingly to his loss, and said that he would not send Cæsar a letter of congratulation on his late victories in Britain, out of respect for his sorrow.[1]

It seems to have been immediately after his return to Rome that he defended Scaurus and Plancius. Scaurus was accused of extortion in Sardinia, of having murdered by poison one of the natives, and driven the wife of another to save herself from dishonor by suicide. The speech is lost, except a few fragments; but we know that Scaurus got off by a verdict of Not Proven,[2] for the jury were largely bribed. In his defence of Plancius, Cicero put forth all his strength. He was bound by every tie of honor and gratitude to try and save the man who had shown him such kindness in Thessalonica during his exile, and his advocacy of him now was a labor of love. Plancius had been a competitor of Junius Laterensis for the ædileship, and was successful. The defeated candidate of course accused him of illegal practices at the election, and Cicero was retained to defend him. The speech is more than usually interesting from the vivid picture he draws of the nature

[1] We find that it took in those times about twenty days to send a letter from Britain to Rome, "a despatch," says Middleton, "equal to that of our present couriers by post." The distance can now be travelled in four days.

[2] Drusus, Scaurus, NON FECISSE videbantur. — *Ad Att.* IV. 16. This was the technical expression for that form of acquittal. He was again prosecuted by Triarius for bribery two years later, and Cicero again defended him, but with a different result; for he was then convicted.

of a popular election, and much that he says is as applicable in England now as it was at Rome twenty centuries ago. If space permitted, I would gladly quote several passages in which he admirably paints its various vicissitudes, and the capricious fickleness of the voice of the people, whom the candidate, he said, "tossed as he was by the tempest and the waves of democracy," must court if he wished to win, and bear its humors cheerfully if he lost. His description of the ballot is true to the letter, and exactly agrees with what Sydney Smith said of it, that it would bring to pass that which David said only in his wrath, and make all men liars.

"The ballot is dear to the people; for it uncovers men's faces and conceals their thoughts. It gives them the opportunity of doing what they like, and of promising all that they are asked."

Of course Cicero took care to allude to Plancius's services towards himself. He drew an affecting picture of a night they passed in Thessalonica, when they mingled their tears together, and when he promised that, if he were recalled from banishment, he would show his gratitude; but if he died in exile, his countrymen would take care to pay the debt he owed him. At the close of his speech he wept, and so apparently did the jurymen and the accused before them; for Cicero declared that their tears prevented him from saying more, and he hailed it as a good omen that they wished to save Plancius — for their tears reminded him of those which they had so often shed abundantly for himself.

Plancius was acquitted. He afterwards joined the side of Pompey in the Civil War, and during

the supremacy of Cæsar he lived in exile at Corcyra.

We now come to the long and celebrated letter which Cicero wrote to Lentulus, the proconsul of Cilicia, and which may be called his Apology for his political conduct. It deserves an attentive examination, in order to appreciate the motives that, according to his own account, influenced him. The case stood thus. He had always opposed — not so much actively as in spirit and opinion — the union of parties effected by Cæsar, Pompey, and Crassus, and known by the name of the first Triumvirate. He saw that this powerful coalition, in fact, overrode the constitution, and went far to establish a Dictatorship at Rome resting upon popular violence, ever ready to side with the strongest, so long as the mob was amused by spectacles, and kept in pay by corruption. But he clung to Pompey even then, although always mistrusting him. He really had an affection for him as a man, and he was dazzled by his brilliant reputation as a successful soldier. And, besides, he seems to have believed that he was the only person to whom the State could look to make head against the ambitious designs of Cæsar, and that he would be found on the side of the constitution, if Cæsar or any other enemy openly attacked it. From Cæsar he stood aloof, and could not be persuaded to accept any office or honor at his hands. He peremptorily refused to be one of his commissioners for dividing the Campania lands, and he declined, though with hesitation, the offer to be one of his lieutenants, — a post which Quintus afterwards accepted. He did not, however, openly op-

pose Cæsar's bill for dividing the Campanian lands, and indeed took credit for supporting it with an amendment, which he carried, for respecting the rights of private individuals.

But Cæsar was too long-sighted and politic a man to break with Cicero. He continued to flatter him, and lost no opportunity of showing kindness and good-will to his friends. In the unhappy affair of his exile, Cicero had more reason to complain of Pompey than of Cæsar. Cæsar was at that moment at the head of his legions outside the walls of Rome, and could not by law enter the city. Pompey, however, voluntarily retired to his Albanan villa, and, when Cicero went there and threw himself at his feet to implore his aid, did not even ask him to rise, and coldly said he could do nothing without Cæsar's approval. And he did nothing. Cicero passed twelve miserable months in banishment, and when at last he was restored, he had to thank Cæsar as well as Pompey for the influence they had exerted in his favor. Cæsar, indeed, was absent in Gaul, but he had an active party in Rome; and we may feel certain that, if he had been averse to Cicero's return, there would have been enormous difficulty in effecting it. Clodius also had now declared himself the open enemy of Cæsar as well as of Pompey, so that the ill-feeling engendered in Cicero's mind by the conviction that his most inveterate foe was secretly supported by Cæsar no longer existed. When, therefore, an opportunity occurred for testifying his good-will towards Cæsar, without compromising his own principles, he gladly availed himself of it. This opportunity arose on the question of prolonging Cæsar's command in

Gaul, and he made that admirable speech, in which he nobly vindicated to himself the right to lay aside private enmity on account of wrongs inflicted on himself for the sake of the Republic, whose interests, he believed, required that the Proconsul's career of victory in Gaul should not be checked before he had completed and consolidated his conquests. Moreover, he clearly saw how little he could in future rely upon Pompey in a struggle, and the instinct of self-preservation led him no longer to repel the advances of the powerful general, who did not cease to court him, and whose name was a tower of strength at Rome from his popularity with the masses and his fame as a soldier. Nor must it be forgotten that, as yet, there was nothing in Cæsar's conduct to make it criminal in a patriot to join him. Some writers, indeed, like De Quincey, assert, that even in the agony of civil war, *his* was the patriotic side; but, without stopping to examine that question, this plea cannot possibly avail Cicero; for he was unalterably convinced *then* of the contrary. Now however the future lay dark before him; and not the most sagacious politician at Rome could have divined the series of events — blundering weakness on the one side, and unscrupulous ambition on the other — which led to the dictatorship of Cæsar and the overthrow of the constitution.

I have thus briefly recapitulated the facts of the case, as it is necessary to bear them in mind while reading Cicero's own defence. His reasoning is often weak and inconclusive, and disfigured by his intolerable vanity; indeed, he seems to have felt half ashamed of himself whilst writing, and therefore to

have taken more than ordinary pains to glorify his achievements; but his defence may be summed up in two words: it was necessary to look out for better support than he had hitherto received, and that support was only to be found in Cæsar. The times were changed, and he must swim with the tide.[1]

Alluding to his appearing as a witness for Vatinius, he said that, as some of the most distinguished men at Rome had chosen to patronize and caress his own enemy — if they had their Clodius, he had a right to have his Vatinius. And he quoted some lines from the Eunuch of Terence, where the Parasite advises the Captain to play off Pamphila against Phædria, which may be thus rendered: —

> "If she names Phædria, do you forthwith
> Begin to speak of Pamphila; and if she says,
> 'Let us invite fair Phædria to supper,'
> Do you rejoin, 'Let us have Pamphila
> To sing to us.' If she breaks out
> In praise of Phædria's beauty, you extol
> The face of Pamphila. In short, my friend,
> Take care to pay her back in her own coin,
> And I will warrant that you tease and fret her."

"Aye!" said Cicero, "and gods and men approve my policy."

As to Crassus, although he had great reason to complain of his conduct, he was not going to gratify the malignity of others by continuing his enmity with him, as though they could never be friends; and both Pompey and Cæsar had urgently entreated

[1] I regret that want of space compels me to omit an epitome of the letter and an analysis of the arguments contained in it. I had written both, but find they would swell the volume to an inconvenient size.

him to make up the quarrel. He sums up, as it were, the main points of his defence in the following words: —

"Pray be assured that if I had been at liberty, and things had remained as they were, I would have pursued the same course. For I should not have thought it right to contend against such powerful influence, not even if it had been possible to destroy the supremacy of the most distinguished men in the state. Nor do I think I ought to adhere obstinately to one opinion when things are altered and the wishes of good men are changed, but we must go with the times. For an inflexible adherence to one opinion has never been approved of by leading politicians; but as in navigation it is a proof of skill to trim according to the weather, even if you cannot make the port, (although when you *can* make it by shifting the sails it is folly to hold on your course with danger rather than by changing it to arrive at the point you wish,) so — although all of us who are engaged in the government of the state ought to aim, as I have often said, at dignified repose — we ought always to aim at the same object, but not always say the same thing. Therefore, as I have just observed, if I had been as free as air, I would not have acted otherwise as a politician than I have done. But when to take this course I am both induced by the kindnesses of some and forced by the injuries of others, I find no difficulty in both thinking and saying, on public questions, what I conceive to be most for my interests, as well as the interests of the state."

The rest of the letter to Lentulus refers principally to the more pleasing subject of Cicero's studies. He promised to send a copy of his speeches which Lentulus had asked for, and told him they were not so numerous that they need frighten him at the thought of perusing them. He would send also his Dialogue *de Oratore*, and his poem in three books on his own Times, which would be an eternal memorial of Lentulus's good offices towards him, and

his own grateful acknowledgment. He assured his friend in language which has proved prophetic, — although it is not often that a man ventures to speak so confidently of his own name and actions reaching the distant future, — that not only Lentulus, but the whole world and posterity, should know that no one was ever dearer or a greater favorite with him than himself.

The canvass for the consulships of the following year was still going on, and the competitors trusted as usual to bribery for success. They were all therefore threatened with prosecutions; and Cicero wrote privately to Quintus, that the question at issue was, whether they or the laws should perish.[1] Three of them, however, Domitius Calvinus, Messala, and Scaurus, seem to have applied to him to defend them, — or at all events, he expected to be called upon; for in a letter to Atticus, on the first of October, he says: "You will ask me, 'What will you be able to say for them?' May I die, if I know. I find nothing to guide me in those three books (*de Oratore*) on which you compliment me." The position of Cicero as an advocate at this time was something like that of Erskine at the English bar. Every one who was in legal jeopardy was anxious to be defended by the most eloquent orator of Rome; and this was, according to his own account, one of

[1] *Aut hominum aut legum interitus ostenditur.* — *Ad Quint.* iii. 2. This does not mean that their lives were in jeopardy. The punishment for the offence of bribery and corruption was not death but banishment. Notwithstanding the strong conviction here expressed by Cicero of their guilt, we find him a few months afterwards rejoicing that they were for the present at all events out of jeopardy, as the courts could not sit during the days of thanksgiving decreed in honor of Cæsar's victories.

the busiest periods of his forensic career. Not a day passed in which he had not to speak for somebody or other in the courts. His time was so occupied with cases, that he had hardly a spare moment to write a letter, and he composed and dictated while he walked.

I have mentioned how Gabinius had been recalled from Syria, and how he crept into the city alone, and in the silence of night. As he journeyed towards Rome he pretended that he was going to demand a triumph; and to keep up the farce, he stayed for a few days outside the walls, as all were obliged to do who sought the honor, until the Senate had decided on their claim. For more than a week he did not venture to show himself in the senate-house; but by law he was obliged to give an account of the military state of his province within ten days after his return; and on the tenth day therefore he appeared, and made the required report. He was then about to retire, but the consuls stopped him; and the *publicani*, or contractors, who farmed the Syrian revenues, and whose treatment by Gabinius has been already alluded to, were introduced into the house to state their grievances. This gave rise to a debate, in which Gabinius was bitterly attacked, and by none more bitterly than Cicero. Exasperated by his taunts, he called him, with a voice trembling with passion, "Exile!" Upon this the Senate rose as one man, and with indignant shouts gathered round Gabinius, as if about to inflict summary chastisement upon him; even the strangers, the *publicani*, who were present, joined in the clamor and the rush.

Gabinius was brought to trial on the charge of abandoning his province and employing his army to restore Ptolemy without leave from the Senate. This amounted to the crime of *majestas*. Lentulus was the prosecutor, and, according to Cicero, was utterly unfit for the task. Indeed, he did his work so badly, that he was accused of betraying the cause. Cicero himself was strongly tempted to undertake the prosecution, but, as he told his brother, he was deterred, because he did not wish to come into collision with Pompey, who strained every nerve to procure Gabinius's acquittal, and he had lost all confidence in the tribunals. His own expression is, "we have no juries now; — I dread a failure."[1] Besides, he was afraid that the ill-will, which he was conscious too many bore towards himself, might tell in favor of the accused, if he became the prosecutor. The result was, that Gabinius was acquitted by thirty-eight votes out of seventy. Cicero congratulated himself that he had taken no part in the trial beyond that of appearing as a witness against the accused. If he had been the prosecutor, Pompey would have made it, he said, a personal matter, and it would have led to a quarrel between them. Besides, he added, considering Pompey's influence and zeal, he himself would have been likely to come off second-best, and he would have been like the gladiator Pacidianus when matched with Aserninus, and might (like him) have had the tip of his ear bitten off. The interest which Pompey took in the issue of the trial was

1 Judices nullos habemus — *ἀπότευγμα formido.* — *Ad Quint.* iii. 2. We might almost fancy that this was the language of an English Attorney-General advising against a state prosecution.

notorious to all, and he spared no solicitation nor entreaty to procure an acquittal. When the ballot-box, into which the votes of the jurymen were thrown, was opened, and the result was known, one of them rushed away from the court to carry the news to him. Cicero mourned over the verdict; writing to Atticus, he declared that the constitution was utterly ruined, and he could take no pleasure in public affairs. The Senate was a nullity, and so were the courts of law. But as regarded himself, he affected a philosophic indifference which he by no means felt. He told Atticus that he had grown too callous to be angry, and sought refuge in his villas, his studies, and his books, the kind of life most congenial to him. If he had only his friend and his brother with him, politics might go to the dogs.[1] He could take pleasure only in private and domestic affairs. As to the impending trials of the consular candidates, he said they would all be acquitted; and added bitterly, that no one in future would be found guilty for a less crime than murder. But this was punished with severity, and there was no lack of cases. Some persons, amongst whom were Pompey and Vibius Pansa, afterwards consul with Hirtius in the year after Cæsar's assassination, had tried to induce Cicero to undertake the defence of Gabinius; but he says, that, if he had consented, he would have been undone, and have brought upon himself the general odium felt towards the accused. Sallust told him that he ought either to have prosecuted or defended; on which he remarks, "a pretty friend is Sallust, who thinks I ought to incur dangerous enmities, or

[1] Per me ista pedibus trahantur. — *Ad Att.* iv. 16.

everlasting infamy." Besides, all his wishes now tended to quiet and repose. He was heartily sick of the state of things at Rome, and not without reason. The Senate was fast falling into contempt; the legal tribunals were infamously corrupt; and the venal populace sold their votes to the highest bidder. At the time of Gabinius's acquittal there was a terrible inundation of the Tiber. The Appian Way was flooded as far as the Temple of Mars, which stood by the side of the road; the gardens of Crassippes, which lay along the banks of the river, were swept away, and the streets were laid under water. Men thought it was a judgment of Providence on account of the wicked verdict.

It is painful to see how Cicero's want of resolution made him do things which he knew to be wrong. Gabinius, though acquitted on the grave charge of treason, had another prosecution hanging over his head, and his advocate was Cicero. The accusation now was that of improperly receiving money from Ptolemy to restore him to his kingdom, and a criminal proceeding was instituted against him to recover back the amount. There was a struggle who should be the prosecutor, before Porcius Cato, who, as prætor, had cognizance of the case, and was not likely to show him any mercy. Memmius, Nero, and two brothers of Mark Antony (nephews of the celebrated orator), all put themselves forward, and, according to the usual custom, the point was settled by a *divinatio*. It was decided in favor of Memmius. In mentioning this to his brother, Cicero adds, that Gabinius was hard pressed, and intimates that he would be convicted, unless "our friend Pompey, against the

will of gods and men, upsets the whole affair." And yet, notwithstanding this, he defended him. He could not resist the urgent solicitation of Pompey; but his efforts were unsuccessful, and Gabinius was convicted and sentenced to banishment.[1] If we possessed Cicero's speech, we should no doubt find him complimenting the man whom he had so often fiercely assailed, and we can well believe that praise from his lips must have had little effect with the jury, who could not have forgotten his former bitter denunciation of the accused.

I have already pointed out the capital distinction between his position at Rome and the position of an advocate in modern times. He was at perfect liberty to decline any cause of which he did not approve, and he did not undertake the defence of Gabinius as an advocate, but as a *friend*. And he was under no obligation to come forward as a witness to the character of a man like Vatinius, whom he had branded with every term of opprobrium and contempt. Even Middleton admits that his conduct in these two instances is indefensible; and where Middleton gives him up, we may feel tolerably sure that there is little or nothing to be urged on his behalf. He says: "Whatever Cicero himself might say in the flourishing style of an oration, it is certain that he knew and felt it to be an indignity and dishonor to him, which he was forced to submit to by the iniquity of the times and his engagements to Pompey and Cæsar,

[1] I do not understand how this happened, for the *Lex Julia*, which was then in force, had repealed the punishment of exile on a conviction *de pecuniis repetundis*. Gabinius was afterwards recalled from banishment by Cæsar.

as he often laments to his friends in a very passionate strain."

The "flourishing style of an oration," to which Middleton here alludes, refers to what Cicero said in his speech for Rabirius Postumus, when Memmius the prosecutor had asserted that the Alexandrian deputies had as good a right to give testimony in favor of Gabinius as Cicero had to defend him.

"No! Memmius," he replied, "the reason of my defending Gabinius was my reconciliation with him. Nor am I ashamed to own that my quarrels are mortal, my friendships eternal. For if you imagine that I undertook that defence against my own will from fear of offending Pompey, you are greatly mistaken both in him and me. For neither would Pompey have wished me to do anything for his sake against my own will, nor would I, who have always held most dear the liberty of my fellow-citizens, have surrendered my own."

These are brave words; but, after all we know of the circumstances, they cannot be accepted as true.

The next cause in which Cicero was engaged arose out of the case of Gabinius. His client, having been convicted, had to restore the money which he was accused of improperly receiving from Ptolemy. This amounted to ten thousand talents (about two millions and a half sterling), and as Gabinius could not pay the sum, his property was sold. But this was insufficient to realize the fine, and Rabirius Postumus, a Roman knight, was accused of having received a portion of the money that had been paid to Gabinius. He was put upon his trial and defended by Cicero. He insisted that the law against pecuniary extortion (*de repetundis*) did not apply to the knights, being intended only to check the rapacity

of provincial governors; and, moreover, asserted that not a farthing of the spoil had come into the hands of Rabirius, who on the contrary had lent money to Ptolemy, which had not been repaid to him, and he would have become bankrupt in consequence if he had not been assisted by the generosity of Cæsar. The result of the trial is not known; but Drumann thinks it probable that Rabirius was convicted and sentenced to banishment, from which he was afterwards recalled by Cæsar when he was dictator.

It is refreshing to turn from the distracted politics of Rome to matters of more pleasing interest. Cæsar, always grand and magnificent in his views, had undertaken two great works, — the enlargement of the Forum, and the erection of a splendid hall in the Campus Martius for public meetings. He seems to have commissioned Cicero to assist Oppius, his agent at Rome, in the superintendence of the plans. In mentioning this to Atticus, Cicero speaks of the expense in a tone which it is easy to see is ironical. He says, "On the enlargement of the Forum as far as the Hall of Liberty, an idea which used to have your warm approval, Cæsar's friends (I mean myself and Oppius, — you may burst, if you like, at my calling myself so) have thought the outlay of sixty millions of sesterces a mere bagatelle." It was necessary to pull down a great many private houses, and of course the owners received compensation. The building in the Campus Martius was to be substituted for the old *Septa* or Barriers, a wooden enclosure open to the sky, in which the people used to meet to give their votes. Cæsar was now erecting an edifice of marble, covered with a roof and sur-

rounded by a portico, a thousand paces long. To this was to be added a sort of town-hall (*villa publica*). The general object of these undertakings was no doubt to ingratiate himself with the populace; but a special motive was his desire to eclipse Æmilius Paullus, who had just restored an ancient *basilica* in the centre of the Forum, and was then engaged in building a new one, which Cicero calls a most glorious, and at the same time most popular, work. The one or other of these is most probably that of which the foundations have within the last few years been laid bare by the excavation of the Forum. As the spectator stands on the top of the Senator's Palace on the Capitol, he looks down upon it on the right of the Via Sacra, and sees the paved area with portions of columns, and broken fragments of masonry lying on the surface. The best example of an ancient Basilica is at Treves. It is now converted into an Evangelische Kirche. But it wants the rows of columns which were usually found in these buildings, and which became the side aisles when they were converted into Christian churches.

Trebatius, to whom we have already more than once alluded, was a good lawyer, but a bad soldier. He was clearly out of his element in Cæsar's camp, and was always hankering after the polished society of Rome, which he had left, as was usual with civilians at that time, to serve for a short period in the army. He was also impatient at not making so much money as he had expected in that fruitful field for rapacity, a Roman province. Cicero took him to task for this, and told him that he seemed to think he had carried to the proconsul a bond for the pay-

ment of a debt instead of a mere letter of introduction from himself. He frankly let him know that he thought him too indolent and too disposed to shirk his military duties, nay, went so far as to say, that in his expectations from Cæsar he often seemed to be rather impudent. He strongly urged him to stay where he was, and make the most of his opportunities, serving as he did under an illustrious and liberal commander, and in a wealthy province. He warned him also not to take offence if Cæsar did not pay him all the attention he desired, or seemed slow in satisfying his wishes; for he must remember how much occupied the proconsul was, and the difficulties he had to contend against. And this advice he said he could in lawyer-like fashion fortify, by quoting the authority of Cornelius Maximus (whose pupil in civil law Trebatius had been), for he was of the same opinion. He ends with rather a stinging joke. "I am glad," he says, "that you did not cross over into Britain, because you thus escaped hardships, and I shall be spared a narrative of your exploits there!"

Cicero paid great attention to the education of his son and his nephew, who in Quintus's absence was entrusted to his care. He spoke in a cheerful tone of the progress they were making, and rejoiced in the affection the two cousins felt towards each other. They were studying rhetoric under Pæonius, whom he describes as a good and experienced teacher; but he reminds his brother that his own method of instruction was more searching and scientific, and he promised that if he took his young nephew with him into the country he would teach him according

to his own plan. In the mean time, however, the boy, as was natural, liked better the declamatory style of Pæonius; and his uncle said that that was his own early practice, and he had good hopes that young Cicero would be as successful as himself.

Quintus had been urging his brother to write poetry, — probably that he might use the verses in his own projected poem on Britain, — but Cicero said that he had neither leisure nor a mind sufficiently free from anxiety. Besides, he wanted inspiration;[1] and in all sincerity he declared that Quintus was a better poet than himself. His brother's library wanted a supply of books, and Cicero was doing his best to get them; but those that were suitable were not for sale; and to make copies, a dexterous and careful hand was required, which just then he did not possess amongst his slaves. He promised, however, to speak to Tyrannio, his son's tutor, and give his freedman Chrysippus instructions about it. The letter in which he mentions this was written in October, just as he was leaving Rome for his Tusculan villa, where he was taking his son with him to go on with his lessons.[2] In his next letter to his brother, at the end of November, he spoke in a tone of deep dejection. He repeated that he had neither time nor spirits for poetry, being far too much distressed at the state of public affairs.

"I withdraw myself," he said, "altogether from politics, and devote myself to literature; but I will confess to you what I had

1 Abest etiam *ἐνθουσιασμός*. — *Ad Quint.* iii. 4.

2 Cicero *plays* here upon the word *ludus*, and makes a pun which is untranslatable. He says, *ducensque mecum Ciceronem meum in ludum discendi, non lusionis.* The Latins used the same word for "school" and "play", but surely the boys at Rome must have thought it a misnomer.

especially wished to conceal from you. I am distracted, my dearest brother, I am distracted, to think that we have no longer a republic or courts of justice; and that this period of my life, when I ought to have been in a flourishing position, and in the full enjoyment of a senator's authority, is either tormented by the labors of the Forum, or soothed only by literature at home, — to think that all in vain have I followed the advice in my favorite line of Homer, —

'Strive always to excel; be ever foremost in the race,'[1] —

that my enemies have partly been not opposed, and partly defended by me, — that my inclinations are not free, and I am not allowed even to hate as I like, — and that Cæsar has proved to be the only one who loved me as I wished to be loved; or the only one (as others think) who really wished to love me. However, there is nothing in all this to prevent me from finding daily consolation; but my greatest consolation will be your society."

He then, after alluding to the trial of Gabinius, turned to the more congenial subject of books. Tyrannio was too dilatory in executing the commission he had given him to make copies for Quintus's library; but it was a troublesome business. As to Latin books he hardly knew where to apply, the editions for sale were so carelessly copied. He joked Quintus for asking him to send him some poetry.

"What! when you tell me that you have finished four tragedies in sixteen days, can you think of borrowing from another?[2] And are you ready to incur a literary debt when you have written the Electra and the Troas? Don't be an idler, nor suppose that the precept 'Know thyself' was intended only to take down arrogance, and not also to make us sensible of our own gifts. But pray exert yourself, and send me your tragedy of Erigone."

[1] Αἰὲν ἀριστεύειν καὶ ὑπείροχον ἔμμεναι ἄλλων.

[2] These were most probably translations from the Greek. It is hardly possible that Quintus could have composed four original dramas in little more than a fortnight. Abeken treats them as original works, and calls Quintus in consequence, ironically, *ein gewaltiger Poet* — "a powerful poet."

Cicero must have been, as I have already remarked a very early riser, for he constantly mentions that he is writing his letters before daybreak; and in the next to his brother, dated from his Tusculan villa, he tells him that he is using a little wooden lamp which Quintus had got made when he was at Samos, which was part of his proprætorian government in Asia Minor.

The insecurity of what we should call the *pos* is a frequent subject of complaint with Cicero. Of course there was no post in the modern sense of the word, and it was not every messenger whom he dared to trust, especially when he alluded to politics. In a letter to Atticus, written at the end of November, he says that he is under some anxiety whether it will reach him; for his correspondence touched on so many delicate topics, that he did not like to employ even his amanuensis. And certainly the next piece of news he communicated to his friend was of such a nature that, if it had not become notorious, and was unhappily too true, he might well be afraid of mentioning it lest it should prove to be a scandalous libel. I have already alluded to a compact entered into between two of the consular candidates, Domitius and Memmius, with the actual consuls, which Cicero hinted at in a former letter, but said it was so disgraceful that he did not venture to be more explicit. But Memmius himself had now brought the whole matter before the Senate, and Cicero communicated it to Atticus. It is wellnigh incredible, but is too well attested to admit of doubt. In order to understand the case it is necessary to bear in mind that, although the Roman consuls almost as a matter

of right held provincial governments at the expiration of their year of office, which they looked forward to as a certain means of amassing money, their position as proconsuls depended upon a special vote of the people assembled in the comitia curiata. They could not by possibility expect the honor of a triumph, the highest object of Roman ambition, unless they had previously been invested with the *imperium* or military authority, and the number of troops they might command, together with the whole of what we may call their outfit, depended upon the same vote. This was styled *ornare provinciam.* Now the existing consuls had got their provinces, but had not got the *imperium* nor equipments. They made, therefore, an agreement with Domitius Calvinus and Memmius that they would support them in their canvass for the consulships of the next year, provided that *they* would, if they were elected, produce three augurs and two ex-consuls who would solemnly declare that they were present when a bill for bestowing the *imperium* and outfit was brought forward in the Senate and passed in the comitia curiata of the people, although the whole was a fiction and the Senate had never even entertained the question! And the two candidates agreed to forfeit a large sum of money to each of the two consuls unless they fulfilled their part of the bargain. This compact was formally reduced to writing and signed by the parties. Memmius, however, felt, as time went on, that he had no chance of being elected. He, therefore, at the instigation of Pompey, made a clean breast of it, and brought the whole affair before the Senate, to the confusion and disgrace of the then consuls

Domitius Ahenobarbus and Appius Claudius. It is difficult to understand, not that the parties should have been wicked enough to enter into such an agreement, but that they should have thought the success of such a scheme possible. We cannot even imagine a parallel case in this country with the publicity that attends all the proceedings of Parliament, but it was as if a French minister were to try to get three archbishops and two senators to come forward and swear that they were present when a particular bill was passed, which in fact had never come before the Corps Législatif or Senate at all. The thing is too extravagantly absurd to be supposed possible in France, but it actually happened at Rome, and shows that there must have been some glaring defect in the method of keeping the records of public acts.[1] As may well be believed, the revelation of this iniquitous bargain between the two men who held the highest office in the State and two of those who aspired to the same dignity, caused great scandal, even in the corrupt society of Rome. Middleton says that the Senate was highly incensed, and passed a decree "that the conduct of the parties should be inquired into by what they called a private or silent judgment (*tacitum judicium*), where the sentence was not to be declared till after the election (of the new consuls), yet so as to make void the election of those

[1] In old times in this country all bills were in the form of petitions from the Commons, which were entered on the Rolls of Parliament, with the King's answer subjoined. At the end of each Parliament the judges drew up these records into the form of a statute, which was entered on the Statute Rolls. But it was found that clauses were thus surreptitiously introduced which Parliament had not assented to, and at length, in the 2d year of Henry V., the Commons prayed that no additions or diminutions should in future be made. — See May's *Parl. Practice*, pp. 360, 361 (3d edit.).

who should be found guilty." But this is a mistake. The resolution as to a silent inquiry was come to by the Senate in September, before Memmius made the disclosure in November, and it had reference to the wholesale bribery that was going on. But it was doubtful whether the Senate could of its own authority order an inquiry of that kind to take place; at all events the tribunes interfered, and instead of acting on the resolution, a bill to the same effect was brought before the people. Terentius, however, one of the tribunes, interposed his veto, and the measure was stopped. The Senate acted in the matter with inconsistency and weakness. It had originally resolved that the consular comitia should not be held until the bill passed, and that if a veto was interposed the bill should be brought in afresh. It now immediately resolved, notwithstanding that the bill had not passed, that the comitia should be held forthwith. Cicero calls the house an Abdera (equivalent to our Bedlam), and intimates that he spoke his mind freely on the subject. But the comitia were not held nevertheless. On each day that the attempt was made, Scævola, another of the tribunes, prevented the meeting by "watching the sky," that strange device which put it in the power of any magistrate at Rome to stop the machinery of government according to his mere caprice. And in fact no consular comitia at all took place this year.

In the midst of all this confusion Cicero clung more and more to Cæsar's friendship. He called it the only plank in the general shipwreck, and was much pleased at the attentions which were lavished

upon his brother by the politic proconsul of Gaul. Quintus was allowed to choose the winter-quarters he liked best for his troops, and Cicero says, that, if he himself were the commander, his brother could not be better treated. At the same time that he mentioned this he told Atticus that he was now one of Pompey's lieutenants, and would leave Rome for the province of Spain, which was Pompey's proconsular government, in the following January. But for some reason he abandoned the intention, and it is certain that he never went to Spain. Quintus, like Trebatius, had become rather sick of campaigning, and wrote from Gaul in a very grumbling tone. Cicero took him to task for this, and begged him to remember the object they had in view when he accepted a military command in Cæsar's army. It was to secure for them both his powerful protection, well disposed as he was to support them. He spoke of him as "a most excellent and distinguished man," and as he wrote to his brother in unreserved confidence, we cannot doubt that at the time these were his genuine sentiments. Indeed there is generally a remarkable difference between the way in which he writes privately of Cæsar and the way in which he writes of Pompey. He thought he could rely upon the one much more than upon the other; and with all his personal regard for Pompey, he felt how weak and contemptible his character was in comparison with that of Cæsar. The ivy grows more naturally round the oak than the poplar, and it is, I think, one of the most convincing proofs of Cicero's patriotism that at the first outbreak of the great Civil War he joined the side of Pompey in

stead of the side of Cæsar, because he believed that however feeble as a statesman and incapable as a general, he was fighting in defence of his country against an enemy and a rebel.

He promised to finish a poem he had begun on Cæsar's exploits, and, in allusion to a report that a dictator would be appointed, told Quintus that Pompey now professed to repudiate the idea, but had previously told him that he should not dislike the office. "Good heavens!" he exclaimed, "how silly he is, how eaten up by self-love, and impatient of a rival!" His disgust at the state of things in Rome had nearly reached its climax; but he declared that it produced in him an almost reckless indifference. "I am now," he said, "not even affected by public evils and the license of bold, bad men, by which I was formerly heartbroken. There is nothing more abandoned than these men and the times they live in. Since, therefore, no pleasure can be found in public affairs, I really do not see why I should fret myself. I indulge in repose, and take delight in study, my books, and my villas, and especially in the society and education of our two boys." It seems that young Quintus, his nephew, was something of a glutton; for his uncle says that he would keep his eye upon him now that his mother Pomponia was away, for he was afraid he would do himself harm by his voracious appetite. He thanked his brother for promising to send him some slaves, no doubt prisoners taken in Britain and Gaul, as he had very few either at Rome or in the country; and begged him to be extremely cautious in writing, as he himself was, — not venturing to mention things that

were publicly done in the state of confusion that prevailed at Rome, lest his letters might be intercepted and he might give offence. He had finished his little epic poem on Cæsar, and said he was only waiting to find a trustworthy courier, lest it should be lost on the road, as Quintus's tragedy of Erigone was; which, he added, was the only thing that had not had a safe journey from Gaul while Cæsar had commanded there. Quintus had begged him to look after the works going on at his Arcanum villa, and Cicero told him that it was more like one of Cæsar's buildings than anything else, fitted up as it was with statues, a *palæstra*, a fish-pond, and a canal. It is quite clear that his brother was making good use of his opportunities in Gaul and getting rich. But both he and Cicero had a little disappointment just then, as a friend of theirs, named Felix, from whom they had expectations, had died, after having by mistake signed a wrong will, so that they got no legacies.

So ended the year, a year which had seen a great change in the policy of Cicero, and in which he had felt dissatisfied with almost every public man but Cæsar. To him he had now transferred his political allegiance, and to secure his favor had sacrificed his previous enmities, and I fear we must add his principles. He could look back with little complacency upon his hollow reconciliation with such men as Vatinius and Gabinius, and must have felt how much he had lowered himself by appearing as their apologist to gratify the wishes of Pompey and Cæsar. And he gained nothing by giving up his independence. He lost his own self-respect, and his influ

ence in the Senate and the Rostra declined. Stormy times were fast approaching, and his was not the hand that could guide the helm of the vessel of the State through the rocks and shoals with which it was surrounded

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THE TOMB OF CICERO

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THE LIFE

OF

MARCUS TULLIUS CICERO.

CHAPTER XVI.

CLODIUS AND MILO.

Æt. 54–55. B. C. 53–52.

The new year opened with no consuls. And this state of interregnum lasted for six months, during which a succession of officers was appointed, called *interreges*, who, according to a law or custom as old as the time of the monarchy, each held office for a period of five days, so that this year there were at least thirty-six *interreges*. They were chosen by the Senate out of their own body, and must by law be patricians, which explains the reason why the tribunes, who of course were always plebeians, were generally opposed to their creation. In the meantime, however, the city was in a state of turbulent confusion. All attempts to hold the comitia for the election of consuls failed. They were stopped by the usual device of "watching the sky," or interrupted by riots which broke up the meeting. At ast one of the tribunes, Q. Pompeius Rufus, a

grandson of Sylla, was thrown into prison by the Senate, which summoned courage to perform this one act of firmness. And when Lucceius Hirrus proposed that a dictator should be appointed, they, with Cato at their head, steadily opposed it until Pompey himself returned. Dio Cassius says that the dictatorship was then actually offered to him, but seeing how unpopular the office was, he declined it, and exerted his influence to get consuls elected. The result was that Domitius Calvinus and Valerius Messala were chosen in the month of July, as Cicero had prophesied would be the case six months before; for they secured the votes of the electors by the most profligate bribery.

During this and the following year we have very few of Cicero's letters, which is explained by the fact that Atticus, his chief correspondent, was then at Rome. Atticus had made a journey into Greece and Asia Minor in the previous summer, but returned in November, and the friends were together for the next two years. And as this work is not a history of Rome, but a biography of Cicero, and he took during the period little part in public affairs, we may pass rapidly over events with which he was not immediately concerned.

He kept up an amusing correspondence with his "learned friend" Trebatius, in Gaul, and seems to have liked nothing better than to fire off legal jokes at this soldier-lawyer. But unfortunately they will not bear translation. Even the legal wit of Westminster Hall is "caviare to the general"; and it is hopeless to attempt to make intelligible all the technical puns in which Cicero ran riot when he wrote

to Trebatius. The fun would evaporate in an explanation. He advised him to remain with Cæsar if he was doing well, but if not, to return to Rome; for if he stayed much longer away he would run the risk of figuring in one of Labienus's farces, who would desire no better character for the stage than that of a *British* lawyer. He joked him for becoming an Epicurean; and asked him how, as the disciple of such a selfish philosophy, he could defend the *common* law which was for the *common* good of all?[1] He was afraid, however, that the learned civilian had carried his goods to the wrong market; for the mode of settling disputes there was by drawing the sword instead of drawing a plea. He expressed his surprise at receiving from him two copies of the same letter, and written on palimpsest too! "However," he said, "as to the palimpsest, I applaud your economy. But I wonder what there was written on the paper which you preferred to efface and use the sheet for another letter rather than take a fresh piece; was it some of your legal formulæ? For I cannot believe that you rub out *my* writing to put *your own* over it." In another letter, which he wrote while passing the night at the villa of a friend in the Pomptine Marshes, he told Trebatius that he heard the noisy welcome of the frogs which were croaking loudly at Ulubræ, a small miserable town in the marshes of which Trebatius was prefect; and he called them the clients to whom he had been recommended by the absent lawyer.

1 It seems clear therefore that Trebatius, after all, had crossed over into Britain. It is amusing to see how the idea of a lawyer imported into England provoked merriment at Rome. It has proved a kindly soil for the growth of the race since Cicero's time.

He began this year a correspondence with Curio, who was then quæstor in Asia Minor, — the "girl" Curio, as he had contemptuously called him, when he headed the band of young nobles who did their utmost to induce the people to reject the bill for putting Clodius upon his trial before a select jury on account of his violation of the mysteries of the Bona Dea.[1] And the word "girl" had a terrible significance. To understand its full meaning it is necessary to read the second Philippic, where Cicero charges Antony, the triumvir, with having been *married* to Curio. He had run a career of profligacy and extravagance, and on account of Antony had become security for a debt of enormous amount, which his father, at Cicero's earnest intercession, had undertaken to pay. Since then he had attached himself to Cicero, and become in many respects a changed character. He was gifted with remarkable talents, and had a natural genius for oratory. During the first triumvirate he had distinguished himself as one of the chiefs of the opposition, and, as we may remember, was accused by Vettius of being the ringleader of the plot to assassinate Pompey, — an accusation which recoiled so fatally upon the head of Vettius himself. Cicero wrote to condole with him on his father's death; who, he says in his usual style of exaggerated compliment, would with such a son have surpassed all men in good fortune, if he could have only seen him at his death-bed. He advised him not to incur needless expense in the funeral games and shows which it was usual to give on such occasions, adding that everybody had had

[1] *Ad Att.* I. 14.

enough of these displays, and he ought to trust rather to his talents and other advantages to gain the popularity necessary for political success. This well-meant advice, however, was thrown away. Curio exhibited funeral shows of almost unexampled grandeur; and had two immense theatres built of wood, close together, which swung on hinges, carrying the whole body of spectators round, as Pliny describes them, in terms of almost stupefied amazement.[1] The consequence was that he became overwhelmed with debt; and soon afterwards deserting his old party, became one of Cæsar's most devoted adherents. Cicero's letters to him are very few, and not interesting; as indeed we could hardly expect them to be when we find him saying that he should not write on matters of personal interest to Curio; for he had plenty of correspondents who would do that; and the times were too full of trouble to make it decent to indulge in jocularity. Nothing then was left but to write on serious topics. "But on what topic could Cicero write seriously to Curio except on politics?" And as to politics "he did not like to write what he thought; and certainly not what he did not think." A correspondence on such a basis could not fail to be insipid.

At the same time that the new consuls were elected there came news from the East which fell like a thunderbolt on Rome. Crassus and a great part of his army had perished on the banks of the Euphrates in a conflict with the Parthians. That greedy and incompetent commander, not finding in the government of Syria enough for his rapacity, had

[1] Plin. *Hist. Nat.* XXXVI. 15.

without any pretext for war, and without any authority from the Senate, marched his troops into Mesopotamia, and invaded the territory of Orodes, the Parthian king. At first he was successful, and ravaged the country almost without opposition. Orodes sent ambassadors to him to ask him what was the cause of war. Crassus answered that he would give his reply in Seleucia. "Hair will grow on this palm," cried one of the Parthian officers, striking his left hand with the fingers of his right, "sooner than you will be in Seleucia." He crossed the Euphrates amidst the most discouraging omens, and his son Publius, having made a rash attack on the enemy, was surrounded and with all his cavalry cut to pieces. The Parthian general afterwards treacherously invited Crassus to a conference, and then fell upon him and killed him with his attendants. The rest of the army took to flight; and Dio says, the greater part escaped. In bitter mockery of his avarice, the Parthians poured molten gold down the throat of the unfortunate proconsul, whose wealth and profusion had been such that he used to express pity for those who were too poor to maintain the cost of an army out of their own private means. By the death of young Crassus there was a vacancy in the College of Augurs, and Cicero was chosen to succeed him. We may remember that he had long coveted this office, and, at the beginning of the triumvirate of Cæsar, Pompey, and Crassus, had said it was the only bait they could offer which would be likely to tempt him.

Appius Claudius was at this time proconsul of

Cilicia. He was one of the parties to the infamous bargain with Domitius and Memmius, and his character was such that Cicero then said it was made no worse by the disclosure: he had in fact no character to lose.[1] As prætor he had given his active support to Clodius during the disastrous year of his brother's tribuneship, of which Cicero was the victim, and it was only to please Pompey, whose son had married Appius's daughter, that he had agreed to a reconciliation with him. And yet we now find him writing to Appius in the most friendly and complimentary terms. He wished to recommend Valerius, a lawyer of very moderate abilities, but an intimate friend of his own, to his notice, and said, "You may be assured that you are most dear to me, both on account of the great sweetness of your disposition and your kindness, and also because I learn from your letters and hear from many that you are pleased and grateful for all I have ever done for you."

The same game that had been played with regard to the consular comitia in the preceding year and first half of the present, was still continued; and there seemed little prospect of an election taking place for the following year. There were three candidates in the field: P. Cornelius Scipio (who, having been adopted by Metellus Pius, took the name of Q. Cecilius Metellus Pius); P. Plautus Hypsæus, who had been Pompey's quæstor in the Mithridatic war, and was now supported by him in his canvass; and T. Annius Milo. Cicero was for many reasons extremely desirous that Milo should succeed. He

1 Hic. Appius erat idem. Nihil sane jacturæ. — *Ad Att.* IV. 18.

was a bold determined man, ready and able to cope with Clodius with his own weapons. We have seen that he took a gang of gladiators into his pay, and with such a body-guard set his enemy at defiance. Clodius was a candidate for the prætorship; and it was impossible to say what mischief he might do if elected to that high office, unless he were held in check by some paramount authority. Cicero well knew that he had everything to fear from him, and he was therefore almost anxiously nervous that one at least of the consuls should be a man on whom he could rely. Besides, he owed him a deep debt of gratitude for his active exertions as tribune in procuring his recall from banishment. We find him for these reasons writing to Curio, who was then on his way back from Asia Minor, in the most urgent terms, and entreating him to come and throw all his influence into the scale in favor of Milo. All they wanted, he said, was a leader; and there was no one who could be compared as a leader with Curio. "I have," he added, "set my whole heart, and fixed all my thoughts, zeal, and energies, in short my whole soul on Milo's consulship." There is perhaps no letter in the whole of Cicero's correspondence which bears the stamp of genuine earnestness more strongly than this. Milo had made himself popular by the usual expedient of entertaining the people with costly shows; and bribery was resorted to by all the candidates on an enormous scale. But the rival parties frequently came to blows, and the streets of Rome were the scene of disgraceful riots. In one of these, where the followers of Milo and Hypsæus were fighting in the

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Via Sacra, Calvinus, the consul, who had hastened up with his lictors to put a stop to the affray, was wounded.

The year ended in the midst of anarchy, and Rome was again without consuls. An interregnum would again have been declared, but the tribune Manutius Plancus Bursa interposed his veto. This brought the confusion to a climax, and the capital of the world was literally without a government, when an event happened which gave a new turn to affairs, and altered materially the state of parties.

Four years previously Cicero told Atticus that Milo had declared he would kill Clodius if he met him, and the threat was at last fulfilled. Whether this was done with wilful premeditation or in the excitement of an accidental conflict, it is impossible to decide positively, for the accounts vary. If we believe the statement which Cicero as Milo's advocate made at his trial, Clodius was the aggressor, and Milo's followers slew him in self-defence. But the more probable story is that which Asconius gives, and it is as follows: —

On the twentieth of January, Milo was travelling along the Appian road towards Lanuvium, of which he was chief magistrate or dictator, in a carriage in which were his wife Fausta (a daughter of Sylla) and his friend M. Fusius. He was attended by a body of slaves and gladiators, amongst whom were the well-known fighters Eudamus and Birria. About three o'clock in the afternoon, as they were approaching the little town of Bovillæ, close to the spot where stood a chapel of the Bona Dea,[1] they met

1 The Romans might look upon it as a judgment from heaven that the

Clodius on horseback returning from Aricia, accompanied by three friends, one of whom was Cassinius Scola, a Roman knight, and about thirty armed slaves. The two parties had almost passed each other without coming into collision, when the two gladiators I have named, eager, no doubt, not to lose so good an opportunity for coming to blows, got into a scuffle with the slaves of Clodius; and when he turned round, and riding up demanded in a threatening tone the cause of the disturbance, Birria stabbed him through the shoulder. This brought on a general fight; and the wounded Clodius was carried to a neighboring tavern, from which, *by Milo's orders*, he was soon dragged out and murdered. The slaves of Clodius were outnumbered by their opponents, and many of them were killed, and others severely wounded. The rest fled; and the corpse of their master was left lying in the road, until Sextius Tedius, a senator who happened to be returning from the country to Rome, came up, and seeing the body, directed his attendants to place it in his litter and bring it into the city; but he himself, apparently in alarm, went back. It was carried to the hall of Clodius's house on the Palatine, and there laid down. It was then just nightfall, and as the news spread like wildfire, mobs of the lowest rabble rushed to the spot to see the murdered body of their favorite leader. His widow Fulvia threw herself on the corpse, and with cries of passionate grief pointed out the bloody wounds to the populace.

man whose most notorious act was the profanation of the mysteries of the Bona Dea should be killed at her chapel. And Cicero alludes to this coincidence.

Next morning the crowd increased, and in the confusion several men of rank were injured. The two tribunes Manutius Plancus and Pompeius Rufus (who it seems had been released from prison) called out to the people to carry the body to the Forum just as it was. And it was immediately borne off and laid on the Rostra. The tribunes then mounted the platform and harangued the multitude on the atrocity of the crime which Milo had committed. The corpse was carried to the temple of Curia Hostilia, where a funeral pile was hastily constructed of tables and benches, and set on fire. The flames rose and soon caught the rest of the building, which was burnt down, as well as an adjoining basilica. The mob then rushed to attack the house of Lepidus and of Milo, who had concealed himself, but they were driven off by volleys of arrows. In the abeyance of the consular office, the *fasces* had been placed for safe custody in the temple of Libitina; and these were seized by the people and carried first to the houses of Scipio and Hypsæus, the competitors of Milo, and afterwards to the gardens of Pompey, where with shouts they proclaimed him at one moment consul and at another dictator.

These turbulent proceedings frightened the Senate. A meeting was hastily convoked on the Palatine Hill, in the evening after Clodius's body had been burnt, and Æmilius Lepidus was appointed interrex, to whom, with the tribunes and Pompey, the care of public order was committed. Pompey was also authorized to collect troops from all parts of Italy. Scipio and Hypsæus were anxious to avail them-

selves of the sudden unpopularity of Milo, and to force on the comitia for the election of consuls. But it was contrary to all usage for the first interrex to hold them, and Lepidus therefore refused. The mob then regularly besieged his house, and kept him a close prisoner for two or three days, until at last they burst open the doors, and were proceeding to destroy the furniture, when a body of the partisans of Milo came up, and after a violent struggle drove them away. Another interrex succeeded, but still no comitia were held. At last Pompey got together a body of soldiers, and under their guard the Senate met at the theatre outside the *pomœrium*, or precincts of the city properly so called; but the only resolutions they came to were, that the bones of Clodius should be collected and buried, and the Curia Hostilia rebuilt. It was indeed time that authority should pass into hands capable of exerting it; and anything seemed better than the state of wild anarchy that prevailed. Men began to talk of Cæsar as dictator; and it seemed not improbable that, if the comitia were assembled, both he and Pompey would be at once elected consuls by the people. Under these circumstances the Senate thought it was the safest plan to trust Pompey alone with the reins of power, not as dictator, the name of which was generally unpopular, but as sole consul, and on the motion of Bibulus, which was supported even by Cato, the proposal was carried. The question was not submitted to the people; but Servius Sulpicius, who was then interrex, by virtue of his authority made the appointment in conformity with the resolution of the Senate

This happened on the twenty-fifth of February Pompey had now reached the highest point of honor in the state which it was possible to attain short of an actual dictatorship. He held, by his lieutenants Afranius and Petreius, the governments of Africa and Spain, conferred upon him originally for five years, with a considerable army; he was still supreme master of the whole supply of grain to the metropolis; and he was sole consul. He acted with vigor and firmness. He proposed and carried two bills, one of which had reference to the murder of Clodius, and the other to bribery at elections. By the first it was enacted that a special inquisitor should be chosen by the people out of the whole number of ex-consuls to try those who were accused of the murder, and also the rioters who set the Curia Hostilia on fire and attacked the houses of Lepidus and Milo. By the second, bribery was made punishable by severer penalties. But both bills provided a more expeditious form of trial than was usual. Three days were allowed for the examination of witnesses on both sides, and a fourth for the speeches; the prosecutor being limited to two hours, and the defendant or his counsel to three.

The first of these bills was ineffectually opposed by the tribune Cœlius, who objected that it was a *privilegium* specially directed against Milo, and he attacked the measure with such vehemence that Pompey declared that if he were driven to it he would defend the Republic by force of arms.

In the mean time two nephews of Clodius applied to Pompey to have the whole body of Milo's slaves, and also those of his wife Fausta, — for at Rome

husband and wife had separate establishments of these domestics, — examined, and no doubt put to the torture, as this was the usual mode of taking the evidence of that unfortunate class of men. And the right of examining them was also claimed by three others, the two Valerii and Herennius Balbus. Cœlius on the other hand summoned for the same purpose the slaves of Clodius and of the three friends who had accompanied him on his fatal journey ; and one of his colleagues summoned the slaves of Hypsæus and Metellus Scipio, the two candidates for the consulship. This of course was to make it appear that Clodius was the aggressor, and that Hypsæus and Scipio had been parties to a conspiracy to take away the life of Milo. A formidable array of counsel appeared for him, — Cicero, Hortensius, Marcellus, Calidius, and Faustus Sylla. Hortensius took the objection that the persons summoned by the prosecution were no longer slaves but freemen, — as Milo had manumitted them for avenging the attempt on his life, — and that consequently they could not be put to the question.

He himself, seeing how strong the feeling was against the Clodian party, owing to the excesses they had recently committed, ventured now to appear in public, and he pursued his canvass for the consulship, distributing large sums of money amongst the people in the most barefaced manner. At one of the meetings of the Senate, Cornificius accused him of carrying a sword concealed under his robe, and went so far as to call upon him to lift it up that they might see it. Milo immediately pulled up his dress and showed that he had none;

upon which Cicero, who was present, exclaimed, that all the charges against him had no better foundation than that which they had just heard. But it was currently reported, that, in order to conciliate Pompey, who was known to favor the election of Hypsæus, Milo sent a message to him offering to abandon his own canvass, if he wished. Pompey, however, loftily replied, that he would have nothing to do with the retirement or standing of any candidate, and would not interfere with the free choice of the people.

Three of the tribunes, Pompeius, Sallust, and Plancus, did all in their power to influence the populace against Milo by violent harangues in the Forum, and at the same time attacked Cicero, who had undertaken his defence, so that he became almost as unpopular with the mob as his client. Plancus was the most bitter of the three, and he so constantly asserted that a plot was going on to take away Pompey's life, that the consul either really did or affected to believe it, and increased the number of his guards. Plancus also threatened to bring Cicero himself to trial; and there is no doubt that the advocate of Milo was at such a period of excitement in considerable danger. But he stood firm, and never for a moment thought of shrinking from the task. Often as we have had occasion to deplore his want of moral courage, it is impossible not to admire his conduct now. He might have easily declined the defence. He knew that Pompey was at heart no friend of Milo, and that the populace hated him for killing their favorite leader. He would have ingratiated himself with both if he

had simply abstained from taking any part in the proceedings. But he felt that he owed a deep debt of gratitude to Milo for the part he had taken when tribune in procuring his recall from banishment, and no consideration could induce him now to desert his friend. Perhaps also there was mingled with this motive another, which might well be pardoned. Milo was accused of slaying his own bitterest enemy, and the temptation was irresistible to vindicate such a deed with the whole force of his eloquence.

His client was indeed in imminent peril. Not only was he prosecuted for murder and illegal violence (*de vi*), but two other indictments were preferred against him, — one for bribery, and the other for getting up or being a member of unlawful clubs (*de sodalitiis*). The special commissioners chosen under Pompey's new law to try severally the cases of murder and bribery were Domitius Ahenobarbus and Torquatus. Domitius seems to have been elected by the people, on the recommendation of Pompey himself.[1] Milo was summoned to appear before them both on the same day, in April. He appeared personally before Domitius, and sent, to represent him before Torquatus, friends who applied to have the trial for bribery postponed until the charge of murder was disposed of. This was granted, and the inquiry began before Domitius.

He made an order for the examination of Milo's slaves; and Cassinius Scola, the Roman knight

[1] It is thus I reconcile Asconius with Cicero. Asconius calls Domitius, Quæsitor suffragio populi; and Cicero (*pro Milone*, c. 8), speaking of Pompey, says, Quod vero te L. Domiti huic questioni præesse voluit . . . ex consularibus te creavit potissimum.

who, as I have mentioned, was with Clodius when he was killed, gave strong evidence incriminating the accused. When Marcellus, one of the counsel for the defence, began to cross-examine him, the mob that filled and surrounded the court made such an uproar, that he was frightened and took refuge on the bench beside Domitius. Pompey was at the moment at the Treasury, within sight of the court, and heard the tumult. Domitius applied to him for a body of soldiers to keep order, and he promised to come himself next day with a guard. He did so, and remained throughout the rest of the trial, close enough to be frequently apostrophized by Cicero in the course of his speech. The next two days were, according to the new law, occupied with the depositions of witnesses, who were cross-examined by Cicero, Marcellus, and Milo himself. Some vestal virgins were produced, who swore that an unknown female had come to them, saying that she was directed by Milo to discharge a vow he had made, now that Clodius was slain. Such testimony would of course have been inadmissible in an English court of justice. The last witnesses called for the prosecution were Fulvia and Sempronia, the widow and daughter-in-law of Clodius, who, by their tears and lamentations, produced a visible effect on the by-standers. The tribune Manutius Plancus, a bitter enemy of Milo and Cicero, then mounted the Rostra and made a violent speech to the people, calling upon them to attend next day in crowds, and not allow the criminal to escape.

It is remarkable that during all this time the jury had not yet been chosen. The new law provided

that the whole body, or what we should call the panel of persons qualified as jurymen, should be present and hear the evidence. They were three hundred in number, selected by Pompey himself. It also provided that afterwards eighty-one should be chosen by lot to try the case, but that after they had heard the speeches for the prosecution and the defence, which together were not to occupy more than five hours, the prosecutor and defendant wer each to challenge fifteen (five of each class), so as to leave fifty-one to deliver the verdict.[1] The reason of these special regulations is not apparent; but there can be no doubt of the impolicy of allowing the witnesses to give their evidence before the actual jury was empanelled.

The evidence being closed, the important day arrived when the jury were to be chosen, the speeches delivered, and the verdict given. It was a memorable day, and a memorable sight for Rome. Domitius sat on the judgment-seat as special commissioner. An immense multitude thronged the Forum, crowding the steps of the temples and other public buildings from which a view could be obtained, and in addition a strong body of soldiers surrounded the court and occupied all the avenues to the Forum. Pompey himself sat in front of the Treasury, where he could both see and hear the proceedings, and was attended by a select body-guard. All the shops in the city were closed, and every one was intent on the important issue at stake. It was a scene that might well try the nerves of the boldest advocate; for the mob were to a man against Milo: and fatal

[1] These 51 would consist of 18 senators, 17 knights, and 16 *tribuni ærarii*.

experience had shown that they might vent their rage not merely in noise and clamor, but in deeds of violence on the spot.

At eight o'clock in the morning the prosecutors commenced their speeches. They were Appius Claudius, one of the nephews of Clodius; Marc Antony, — fatal name, that now for the first time appeared on Cicero's path, — and Valerius Nepos. They spoke for two hours, the time limited by the new law, and then Cicero rose to defend his client. He heard the murmurs of the crowd, and saw the glittering spears of the soldiers, placed there to secure order, — a strange and unwonted sight in a criminal court. He lost his self-possession, and made a very ineffective speech. It would be perhaps nearer the truth to say that he completely broke down. The speech we possess, which is one of the finest forensic orations ever written, was of course not that which he spoke. He composed it afterwards; and, according to a well-known anecdote, Milo, when he read it in exile after his conviction, said, in bitter irony, "It is fortunate for me that this is not the speech that was delivered at my trial; for in that case I should not have been eating such capital things as these Marseilles mullets."

Brutus had himself composed a speech for the defence, which he showed to Cicero, who, however, did not approve of it. The line he took was a perilous one, and Cicero showed good judgment in declining to adopt it. It was shortly this, — that, as it would have been a public benefit to sentence Clodius to death, Milo ought not to be condemned for killing him. No court of justice could tolerate such an

argument as the sole ground of defence, and it must have been fatal to his client. He therefore took the more prudent course of denying altogether that there was any premeditation on the part of Milo, and contended that Clodius was the aggressor, and that all the probabilities of the case showed that he had intended to murder Milo, whose slaves killed him to avenge the supposed death of their master.

He asserted, and I suppose the fact had been proved in evidence, that Clodius had declared in his public speeches that Milo must be killed, and that he could not be deprived of the consulship if he lived, but he could be deprived of life. Nay, he had told Favonius that within three days, or four at most, Milo would perish, which Favonius immediately reported to Cato, who was now sitting on the jury before them. Clodius, he said, knew that Milo was obliged to go to Lanuvium on the twentieth of January to appoint a *flamen*, as he was "dictator" of that town, and he left Rome suddenly the day before to make preparation for the attack. He had brought down from the wilds of the Apennines his gang of savage slaves, whom they had all seen in Rome. Next day Milo attended the Senate, then went home and changed his dress, had to wait for his wife, who ("as is usually the case with women," said Cicero) was slow in getting ready, and set out in a carriage enveloped in a long cloak, and followed by a train of his wife's maid-servants and singing-boys. When they reached that part of the Appian Way where Clodius had a country house or farm, the cellars and vaults of which were large enough to hold a thousand men, a sudden attack was made upon them from some high

ground. Milo's carriage was surrounded, but he sprang to the ground and vigorously defended himself. In the mean time his slaves thought that he was murdered, and, to avenge his death, they, without his orders or even knowledge, killed Clodius.

Such was Cicero's statement, and of course, if *proved*, it was a complete defence; and he tried to strengthen it by probabilities, applying the test of *cui bono* — which of the two would profit most by the death of the other? He showed that Clodius had far more interest in the death of Milo than Milo in the death of Clodius. Besides, the different characters of the two men rendered it much more likely that Clodius was the first aggressor. He then appealed to Cato and Pepillius, who were both on the jury by what he calls "a providential accident," and asserted that they had both heard from Favonius, while Clodius was alive, that Clodius had declared that in three days Milo would be dead. Alluding to the evidence of Clodius's slaves, he showed how worthless it was by describing the mode in which it was taken.

"Come now," he said, "let us see what sort of an examination it was. 'Here, you Ruscio,' (let us take him by way of example,) 'be careful you tell no lies. Did Clodius lay an ambuscade for Milo?' 'Yes.' If he said so, the fellow would be assuredly crucified. If he said 'No,' he hoped to get his freedom. What forsooth can be more trustworthy than this kind of examination? They are suddenly seized, separated from each other, thrown into cells that they may not converse together, and when they have been for a hundred days in the power of the prosecutor they are produced by him to give evidence."

After appealing to Pompey, and declaring that he raised his voice in order that he might hear, he told

him the time might come, in the vicissitudes of human affairs, when he would wish to have by his side a friend so faithful and a man so brave as Milo. He then dexterously made use of the argument which Brutus had suggested, having paved the way for its favorable reception by his previous denial that Milo was guilty of homicide at all. He put hypothetically the case that Milo had done what the prosecution alleged. Let them suppose that Clodius was killed by Milo. Who and what was the man whose death was the subject of inquiry? Not a Spurius Melius slain on suspicion of aiming at a throne, — not a Tiberius Gracchus who lost his life for sedition, — but a vile adulterer — a man who committed incest with his own sister — who had scattered death in the Forum, and forced Pompey to take refuge in his own house from his armed violence, — an incendiary who had burnt down the Temple of the Nymphs to destroy the record of his disgrace in having been branded by the censors, — a man who regarded no law, and respected no rights of property, not stooping to claim the estates of others by perjury and chicane in the courts of law, but seizing them by open force and with the red hand, — who, when Pacuvius, a distinguished Roman knight, refused to sell him an island in a certain lake, filled a fleet of boats with lime and bricks, and in the face of the owner, who was looking on, had them carried across to the island, and there built a house for himself, — who told Titus Furfanus, then present, that if he did not give him the money he demanded he would carry him home a corpse, — who expelled his brother Appius, "a man," said Cicero, "now firmly reconciled to me,"

from his country-seat, — and walled up the vestibule of his sister's house so as to prevent all entrance into it. If he had lived and succeeded in gaining power, nothing would have been safe from his rapacity. He would have seized on their possessions — their homes — their money.

"Your money, do I say?" he exclaimed; "your wives and your children would have been a prey to his unbridled lust. . . . If, therefore, Titus Annius, holding up his bloody sword, cried out, 'Come hither, citizens, and hear me. I have slain Clodius. With this weapon and this right hand I have saved your lives from his fury, which no law or court of justice could restrain. It is through my deed alone that law, justice, and liberty — that modesty and chastity — have been preserved to the commonwealth.' Could there be any fear how the country would receive the avowal? For is there any one who would not approve and praise the deed? — who would not say and feel that Titus Annius of all men since the memory of man had most benefited the state and filled with the greatest joy the Roman people — Italy — the world? . . . Now attend to me. This is an inquest on the death of Clodius. Imagine to yourselves, — for our thoughts are free, and we can see with the mind's eye as well as with our bodily senses, — imagine to yourselves, then, I say, that I could induce you to acquit Milo on condition that Clodius were brought to life again — Why do you show terror by your looks? How would he affect you if alive, when now that he is dead the mere idea of him makes you tremble?" . . . .

The speech ended by a passionate appeal to the jury not to drive away from Rome a citizen like Milo, whom every other country would open its arms to receive. The last words were, —

"But I must stop. For I cannot speak for tears — and by tears he will not allow himself to be defended. I pray and beseech you, in delivering your verdict, to declare boldly your real sentiments. Your virtue, your justice, your honor will, believe me, be most approved by him who in selecting the jury chose those who were most distinguished for virtue, intelligence, and courage."

The above is a meagre outline of the oration as it was *written*. That which Cicero really spoke was not successful, and Milo was convicted. The jury who gave the verdict, after they had been reduced by the challenges allowed by the new law, were, as I have said, fifty-one in number. Of these, thirteen voted for his acquittal, but thirty-eight declared him guilty; and it is hardly possible to believe that th majority were wrong. It was composed of men who were not likely to have any bias against the accused; and no doubt the evidence satisfied them, that, however the affray might have commenced, Clodius had been killed by the deliberate command of Milo. It would be a nice question under the English law, supposing that the first attack were made by the followers of Clodius, whether Milo was guilty of murder or manslaughter, or whether it was a case of justifiable homicide. If the deed was done in *self-defence*, to protect his life or the lives of his attendants, he ought to have been acquitted; but if it was true that Clodius, by Milo's orders, was dragged from the tavern where he was laid after he had received his wound, and then put to death, it was murder, or perhaps a merciful jury might have brought in a verdict of manslaughter. But if the defence set up by Cicero had been proved, there must have been a verdict of acquittal; for, according to him, Milo's slaves killed Clodius without even the knowledge of their master, under the erroneous idea that they were avenging his death.

The sentence was banishment, and Milo immediately quitted Rome. He retired to Marseilles, where he passed the remainder of his life in poverty

and exile. In his absence the other charges against him were proceeded with, and he was again convicted. His property was put up to auction, but it was so burdened by enormous debts that it sold for a mere trifle. And thus ended the public career of a man who bid fair to be a rival of Pompey and of Cæsar; and who, if he had gained the consulship, might possibly have given a different direction to the destinies of Rome. But it is vain to speculate how history would have to be rewritten if a particular event had happened which in fact did *not* happen.

M. Saufeius, who had headed Milo's slaves in the affray, was next put upon his trial, and was defended by Cicero and Cœlius. He was more fortunate than his master, for he was acquitted by a majority of one. He was again indicted for a breach of the peace (*de vi*), and was again defended by Cicero: he was a second time acquitted. But Sextius Clodius, the ringleader in the late tumult, who was tried for arson in setting fire to the Curia Hostilia, when the body of Clodius was burnt, was convicted by a majority of forty-six to fifteen, and sentenced to banishment. Both the candidates for the consulship, Hypsæus and Metellus Scipio, were now accused of bribery, and tried under the new law. But Pompey had just married Scipio's daughter Cornelia, the widow of young Crassus who was killed in the East, and he was determined to save his father-in-law. He implored the jury to acquit him as a personal favor to himself. Hypsæus thought that he might obtain the same indulgence, and threw himself at Pompey's feet as he came out of the bath, to implore his help; but the great man spurned him

from him, and told him he was only spoiling his own dinner by detaining him.[1] Such was the justice and humanity of the man to whom Cicero had always so strangely clung. He next raised his father-in-law Scipio to the consulship, and during the last five months of the year they were colleagues together. In order to lessen, if possible, the indecent eagerness with which the consulship was sought by men whose chief object was to enrich themselves by the provincial governments that followed as a matter of course, a law had been passed the year before which enacted that no consul or prætor should obtain the government of a province until five years had elapsed after the expiration of his year of office. This law Pompey enforced, but at the same time took care to have his own command in Spain, which he had never yet visited as proconsul, prolonged for five years more. He also got the law revived which prevented candidates for the consulship from being elected in their absence, but with the addition of a clause which rendered it practically a dead letter; for it was provided that in special cases the restriction might be dispensed with. It was when powerful and intriguing men were candidates that it might be most necessary to enforce it, but they were just the persons most likely to have influence enough to get a dispensation in their favor. And so it happened now. To conciliate Cæsar, he was allowed to stand next year for the consulship without leaving his command in Gaul.

At the end of the year Cicero had the satisfaction of seeing both the tribunes, Pompeius Rufus and

[1] Val. Max. ix. 5.

Plancus Bursa, the implacable enemies of Milo and himself, convicted and punished. As soon as they had laid down their office they were accused of exciting, by their harangues, the mob to acts of violence and incendiarism, when it burnt down the senate-house at Clodius's funeral. Cicero undertook the prosecution of Plancus, the second time in his life when he had appeared against instead of for a defendant. Pompey interested himself warmly for Plancus; and, to save him, did not scruple to violate his own law; for in order to check the shameless practice of "giving characters" to parties on their trial, which, as has been previously mentioned, was called *laudare*, and had become the means whereby powerful men obtained the acquittal of their friends, he had a law passed which prohibited it in future; but notwithstanding this, he sent to the court a written declaration in Plancus's favor, against which Cato, who was on the jury, protested, exclaiming that the author of a law ought not to be allowed to set it at defiance. As may be imagined, this sufficiently showed which way Cato was likely to vote; and Plancus, availing himself of the provision to that effect, challenged him and had him removed before the verdict was delivered. But this did him no good: he was unanimously declared guilty, and sentenced to banishment.

Cicero did not disguise his exultation at this event. In a letter to his friend Marius he said, "Believe me I rejoiced more at this verdict than at the death of my enemy. . . . This foolish ape, out of mere wantonness, had singled me out as the object of his invective, and had persuaded some of my enemies that

he would be always ready to serve them against me. You may therefore warmly congratulate me. A great triumph has been gained."

In the same letter there is matter of a lighter kind. Some property was going to be sold of a deceased person who had made Cicero one of his heirs, and Marius had begged him to bid for him at the sale. Cicero laughs at him for giving such a commission to a person whose interest it was that the highest price possible should be got; and says, in joke, that as Marius had named the sum he was willing to give, he would take care to employ a puffer, and thus prevent the property from going for less.

The revival by Pompey of the law as to proconsular governments had an important effect on Cicero's interests; for as no ex-consul could now assume a provincial command until five years elapsed from the expiration of his consulship, one of its provisions enacted that in the mean time the provinces should be administered by those who had not yet held any such government; and this was imposed as an obligation, not granted as a privilege, so that there was no escape. But the number of such persons was limited, and Cicero was one of them. He and Bibulus drew lots for their appointments, and he got Cilicia and its dependencies. The office was one which he would have gladly declined if he could. So far from desiring what most ex-consuls coveted, he looked upon it as a burden; and we shall see him constantly urging his friends, as the greatest favor they could do him, to get him superseded as soon as possible.

CHAPTER XVII.

THE PROCONSULATE.

ÆT. 56–57. B. C. 51–50.

We have now to regard Cicero in a new character, that of governor of a province, — and in this he deserves our almost unqualified praise. It would be little at the present day to say of the governor of an English colony, that his hands were clean, his administration was just, and his integrity unimpeached; but at Rome the case was very different. The proconsuls and proprætors set out for their respective provinces like rapacious vultures swooping down upon their prey. A province was the El Dorado by which ruined fortunes were to be restored, and from which the ex-governor returned to live in luxurious magnificence at home. The case of Verres was only an exaggerated example of what constantly occurred. He sinned in degree, but hardly in kind, more than many others. No impeachment was so frequent at Rome as an impeachment *de repetundis*, to make the ex-proconsul disgorge the plunder of his province, and punish him for the malversation of the funds intrusted to his care. No doubt the accusation was often used as a mere engine of attack to damage a political opponent; but the numerous convictions show how wide-spread the corruption was. De

Quincey says:[1] "The prolongation of these lieutenancies beyond the legitimate year was one source of enormous evil; and it was the more rooted an abuse because very often it was undeniable that other evils arose in the opposite scale from a succession of governors, upon which principle no consistency of local improvements could be secured, nor any harmony even in the administration of justice, since each successive governor brought his own system of legal rules. As to the other and more frequent abuses in extortions from the province, in garbling the accounts, and defeating all scrutiny at Rome, in embezzlement of military pay, and in selling every kind of private advantage for bribes, these have been made notorious by the very circumstantial exposure of Verres; but some of the worst evils are still unpublished, and must be looked for in the indirect revelations of Cicero when himself a governor, as well as the incidental relations by special facts and cases." It is no light merit in Cicero to have been in advance of the morality of his age, and amidst the darkness of paganism to have exhibited the equity and self-denial of a Christian statesman. But a government was just the sphere in which he was fitted to shine. His love of justice, his kindness, his humanity, his disinterestedness, were qualities which all there came into play, without the disturbing causes which at Rome misled him more than once —

"To know the best, and yet the worse pursue."

The exhibition of a little harmless vanity seems really, with two exceptions to be noticed hereafter, the only charge which can fairly be brought against him

[1] Collected Works, Cicero.

as a proconsul of Cilicia; and if there is not much to interest us in the period of his government, there is happily hardly anything to condemn.

One advantage that we gain from his absence abroad is the renewal of his correspondence with Atticus, which had been interrupted for upwards of two years and a half while they had both been resident in Rome; but after he had set out on his journey, and until he quitted Italy, he wrote almost daily to his friend.

Quintus had returned from Gaul, and gone to Arcanum, one of his country-seats, where, having accepted the office of lieutenant to his brother, he was only waiting to join him on the road. The old bickering between him and his wife Pomponia still continued; and the lady's temper had certainly not improved by age. Cicero mentions an anecdote of her at this time, which shows that she could make herself very unamiable. As he travelled south to embark for his province, Quintus came to meet him at Arpinum, and they proceeded together to Arcanum, where Pomponia was. Unfortunately Quintus sent one of his servants on before to order dinner, which gave offence to the mistress of the house as interfering with her arrangements. When they arrived, her husband, in the kindest tone, (so Cicero thought,) said, "Pomponia, do you invite the ladies amongst our neighbors, and I will ask the gentlemen." — "Oh!" she replied sharply, and looking as cross as possible, "I am only a stranger here." Poor Quintus turned to his brother and said, "You see what I have to endure daily." The company sat, or, as Cicero expresses it, *lay* down to dinner, but Pom-

ponia declined to join them; and when her husband sent her something from the table, she declared she would not touch it. The sulky fit lasted for some time; and she refused to sleep that night with her husband, the last before his departure for Asia. Cicero mentioned all this in his letter to Atticus, and advised him to give his sister a hint, saying that he might tell her from *him* that Quintus was certainly this time not to blame.

His son and nephew both accompanied him to his seat of government, and were under the immediate care of the faithful Dionysius, who acted as their preceptor. At his Cuman villa he had a visit from Hortensius, whose country-seat was at Bauli, some distance off. He asked if Cicero had any commands, to which the newly appointed proconsul answered, that the only special favor he begged of him was to do his best to prevent the period of his government from being prolonged. He called it a "tremendous bore" (*ingens molestia*), and told Atticus his only consolation was that it would not last more than a year. He already felt that he could not be happy away from his beloved Rome; but he might have remembered the advice he gave to Trebatius and to Quintus, when *they* in Gaul pined after the society of the capital. But it is one thing to preach, and another to practise. So many persons came to bid him farewell, that he called his Cuman villa quite a little Rome; and it is a proof how sensitive he was to a slight, that, notwithstanding this, he noticed the absence of an acquaintance named Rufius, who had a house in the neighborhood, but who did not come to say good-bye. Pompey was

at his villa near Tarentum, recruiting his health, which had suffered from the fatigues of the consulship; and Cicero spent three days with him on his way to Brundusium, the port at which he was to embark. He gives no particulars of the conversations they had together, — indeed he says expressly that they were such as he did not like to trust to a letter, — but the way in which he speaks of him deserves notice. "I left him," he says, "in an excellent frame of mind, and thoroughly prepared to ward off the danger that is feared." And writing to Cœlius a few weeks later, he used nearly the same language, recommending him to attach himself closely to Pompey, whose estimate of persons was now very much the same as his own.

There can be little doubt that these expressions had reference to Cæsar and his apprehended designs. We must remember that more than two years had elapsed since those letters were written in which Cicero expressed himself in such friendly terms about the absent proconsul of Gaul, and most probably in the interval he had seen reason to change his tone. The approach of the coming storm seems to have been felt both by himself and Pompey, although the exact time and direction of its outburst were still uncertain; but the sky was sufficiently overcast to make the pilots of the commonwealth keep a good look-out ahead. An incident had occurred lately which must have caused an unpleasant impression in Cicero's mind. When Plancus, whom he had prosecuted, was convicted, he took refuge with Cæsar at Ravenna, and was by him received with open arms and loaded with presents. And it is a noticeable

fact that Cicero was just now extremely anxious to pay off a debt which he owed to Cæsar. He had some time previously borrowed from him a considerable sum (800,000 sesterces, equal to about 7000*l.*) at interest, and he wrote in the most pressing manner to Atticus to pay this for him, out of funds which apparently he had left in the hands of his friend, or on which he had given him a credit. It is very probable that, looking at the signs of the times, and the chances that he might have to come into collision with Cæsar, he did not wish to remain under any pecuniary obligation to him. He had found Pompey bent upon going to his Spanish province, of which he had not yet assumed the government personally, but Cicero strongly dissuaded him, and pressed upon him the expediency of not leaving Italy. He wrote from Brundusium, which he reached on the twenty-second of May, to Appius Claudius, whom he was about to succeed, and earnestly begged him on no account to disband any of his soldiers, who were already too few, and to make arrangements for leaving the province to him in the best state of equipment and defence possible. The two were now on excellent terms; and, as a proof of his friendship, Appius had dedicated to him a work he had written on the College of Augurs, the first volume of which had just appeared.

Cicero stayed at Brundusium for nearly a fortnight, waiting for Pomptinus, one of his lieutenants. While there he wrote Atticus a letter, which has exposed him to the suspicion of acting with duplicity if not dishonesty towards his unfortunate friend Milo, who was then in exile at Marseilles. The material part of the letter is the following: —

"I hear from Rome that my friend Milo complains that I have done him an injury in allowing Philotimus [a freedman of Cicero's wife Terentia, and a much-trusted agent of his own] to be a partner in the purchase of his property. I so acted on the advice of Duronius, whom I know to be an intimate friend of Milo, and the kind of man you take him for. His object, and mine too, was this: — First, that the property might come under my own control, lest an ill-disposed and hostile purchaser might deprive Milo of his slaves, of whom he has a considerable number with him; and next, that his wife Fausta might have her dowry secured, as he wished. Besides, I could thus most easily save something from the wreck, if anything was to be saved at all. But I want you to look carefully into the matter; for I often hear exaggerated reports. If Milo really complains, and writes to his friend about it, and it is also Fausta's wish, do not allow Philotimus to remain in possession of the property against Milo's consent; for so I told him in person, and he engaged to do. It was not an object of any great moment to me. But if the thing is unimportant, you will judge what is best to be done."

On the strength of this letter Cicero has been accused of dealing in an underhand manner with Milo's effects, and buying them from some improper motive. But I confess I can see nothing of the kind. His explanation is simple and satisfactory, and I agree with Middleton and Manutius (a much safer authority) that it is rather a proof of his zeal and care for the interests of his friend.[1] But Middleton goes on to say that "Philotimus was suspected of playing the knave and secreting part of the effects to his own use, which gave Cicero great uneasiness." And Melmoth asserts that Philotimus bought the property at an undervalue, and adds that it is not easy entirely to vindicate Cicero; "for though he

[1] Abeken (*Cicero in seinen Briefen*, p. 221) says, "I am not so enamored of Cicero as Middleton; but I cannot bring myself to condemn him in a case which is so little clear to us."

pleaded in his justification an intent of serving Milo, yet it appears very evidently from his letters to Atticus upon this subject that he shared with Philotimus in the advantages of the purchase." In a case like this, affecting the purity of Cicero's conduct in a money transaction, it is right to examine closely the evidence on which the charge is founded. Now I can find none that Philotimus bought under the value, or that Cicero attempted to get for himself any advantage in the purchase. The only other letter in which he alludes to the matter is one to Atticus, in which the following passage occurs, written in Greek, for the sake, as he says himself, of secrecy. "My wife's freedman (you know whom I mean) seemed to me lately, from some expressions he inadvertently let fall, to have confused the accounts relative to the sale of the effects of the tyrannicide of Crotona.[1] I am afraid you do not understand me. When you have yourself looked carefully into this, make the rest secure." As Cicero feared Atticus might not be able to read his enigma, it can hardly be expected that we should be able to explain it. But so much is plain, that Philotimus appeared to have made up wrong accounts of the sale, which Cicero now heard of for the first time. There is another passage relating to the same subject which occurs in a letter of Cœlius, who says: "As regards the duty of your freedman Philotimus with reference to Milo's effects, I have taken pains to insure that he shall satisfy in the most honorable manner Milo in his absence and also his connections, — and that through his fidelity and zeal your reputation shall

[1] By this expression of course Milo is meant.

not be compromised." The upshot then is this: Philotimus, as Cicero's agent, and on his behalf, became part purchaser of Milo's property, and his accounts got wrong; whether wilfully or not, we cannot tell. But there is really not a pretence for saying that Cicero himself was to blame in the matter.

From Brundusium he crossed over to Corcyra (the modern Corfu), where he was hospitably entertained by one of Atticus's freedmen, who was settled in the island, and he then sailed to Actium on the opposite coast. He here determined to continue his journey as far as Athens by land, having had a disagreeable voyage from Brundusium, and not liking to double the promontory of Leucate. With our modern habits it seems ludicrous to find a great officer of state on his way to his government afraid of a coasting voyage from Actium to Athens in the calm waters of the Mediterranean.

He reached Athens on the twenty-fifth of June, and immediately wrote to Atticus expressing his delight at finding himself again in that famous city, full of noble monuments and works of art. But he was eager for news from Rome. Before leaving the metropolis he had made Cœlius promise to keep him *au courant* as to all the political gossip of the day; and accordingly he received a letter from him, which mentioned amongst other things that an absurd rumor had got abroad in the Forum that he had been assassinated on his journey by Pompeius Rufus. Cœlius was anxious to know what had passed at the interview with Pompey, and what were Pompey's real sentiments, "for," he said, "he is in the habit

of saying one thing and meaning another, and yet has not tact enough to conceal his thoughts." He added that Cicero's dialogue *de Republicâ* was then in great vogue at Rome. In another letter, as no public news was stirring, Cœlius tried to amuse him with ordinary gossip, but Cicero was half angry at this, and wrote back, "Do you think that I asked you to send me an account of what gladiator matches have been made — what recognizances have been enlarged — what theft Crestus has committed[1] — and such things as no one would venture to tell me about at Rome if I were there." He preferred having Cœlius's opinion as to the probabilities of the future, although he admitted that after his conference with Pompey he was likely to be as much enlightened as any one. Writing to Atticus, he took credit to himself for the inexpensive way in which he had travelled. By the Julian law he was entitled as proconsul to be entertained at the public cost in the various towns at which he stopped, but he had refused to accept any such hospitality, and had defrayed all charges out of his own pocket, and he said that hitherto he had no reason to complain of the conduct of his *suite* except that they gave themselves airs and talked foolishly. But upon the whole they were careful not to compromise his reputation, and kept to the terms on which he had

[1] Chresti compilationem, — *Ad Div.* II. 8. Middleton makes the extraordinary mistake of translating this "Chrestus's *newsletter*," as if *compilatio* meant a "compilation." True it is, however, that many a compilation amounts to a theft. Wieland commits the same blunder by rendering it *Zusammengestopfel*, "budget of news." They might have remembered the line of Horace:

—— ne me Crispini scrinia lippi
Compilasse putes

engaged them to accompany him, which were that they were to be as little burdensome as possible to the public.

While staying at Athens he had an opportunity of obliging his friend Patro, the head or president of the school of Epicurus. That philosopher had by his will devised his house and gardens in trust for the successive leaders of his sect. The house had fallen into ruins, and the court of Areopagus, which had dwindled down to a sort of municipal council of Athens, had granted the site to Memmius, who, having apparently been convicted of corruption after the disgraceful revelation he had made of his iniquitous bargain with the consuls two years before, was now living in banishment or retirement at Athens. He had intended to build in Epicurus's gardens a house for himself, but the Epicureans looked upon it as an act of profanation, independently of its being a violation of trust. Patro had earnestly begged Cicero to interfere; and as Memmius quitted Athens for Mitylene the day before his arrival, he wrote to him and asked him as a favor to give up the site to the Epicureans. He rather laughed at Patro's antiquarian reverence for the spot, and treated the matter as one of very slight importance to Memmius, who we may hope gratified the philosophers by letting them enjoy their founder's bounty undisturbed.

A curious little trait of character peeps out in one of the letters to Atticus at this time, which shows that Cicero did not scruple to open a letter not addressed to himself. His packet of letters from Rome contained one from Pilia, Atticus's wife, to Quintus, on the subject of the matrimonial quarrel between

him and Pomponia, who was left behind in Italy. This letter he privately abstracted, and opened and read, telling Atticus without a word of excuse or apology what he had done, and begging him to make Pilia easy about his brother's conduct, but not to let her know that he had been prying into her correspondence. Her letter, he said, was full of sympathy.[1]

He stayed ten days at Athens, and then, as his missing lieutenant Pomptinus had joined him, left for Asia Minor, embarking on board an open-decked Rhodian vessel, which he found too lively a sea-boat to be comfortable. He was, in fact, a wretched sailor, and would have entirely agreed with Dr. Johnson in his definition of a ship as a prison with the chance of being drowned. He wrote to Atticus from Delos, and told him a voyage was a bad business in the month of July. But he escaped seasickness in crossing over to Ephesus, which he reached on the twenty-second of July, or, as he chose to date it, on the five hundred and sixtieth day after the battle of Bovillæ, that is, the affray in which Clodius was killed. The new proconsul was received on landing with much *empressement* by deputations of all kinds, and a crowd of persons was waiting to welcome him, expectant no doubt of patronage and pay. He confessed that his philosophy was likely to be put to trial by the prospect before him; but he wrote to Atticus that he hoped to remember the lessons he had learnt from him, and to be able to give general satisfaction. One fertile source of discord

[1] In one of his letters, *Ad Att.* VI. 3, he says: Q. Cicero puer legit, ut opinor, et certe, epistolam inscriptam patri suo. Solet enim aperire, *idque meo consilio*; si quid forte sit, quod opus sit sciri

and discontent was happily removed, as the contracts for farming the revenues of the province had been concluded before his arrival. One of his next letters was, as he described it, "full of hurry and dust," written at Tralles, on his way to Laodicea, the first town in his province at which he would arrive.

This, although called Cilicia, comprised considerably more than what was usually known by that name. Besides Cilicia proper it embraced the island of Cyprus opposite, and certain districts, or what would now be there called pashalics, in Phrygia and Pamphylia.

Cœlius in the mean time, as well as Atticus, kept up a correspondence with him, and told him what was passing at Rome. The letters of Atticus are unfortunately all lost, but a few of Cœlius's still remain, and some parts of them are interesting. He was just then a candidate for the ædileship, and he begged Cicero, as soon as ever he heard that he was ædile elect, not to forget to send him a number of panthers for the wild-beast fights he intended to exhibit. He told him that Valerius Thessala, the former consul, had been tried (most probably for bribery) and acquitted, contrary to general expectation, and very much to the disgust of the public. He was defended by his uncle Hortensius, who paid the penalty of his success by being loudly hissed by the people next day when he appeared in the theatre. This was the first time that such a thing had happened to him in the whole course of his career, but now, said Cœlius, he had enough of it for a lifetime.

Cœlius was anxious that Cicero should dedicate some new work to him as a monument to posterity

of their friendship. But he begged it might be something suited to his own tastes, and of a learned yet popular kind. Wieland is rather hard upon Cœlius for this, and asks, "How could the vain light-headed man expect that the governor of so large a province as Cilicia, with all its dependencies, could have leisure to gratify so barefaced a request?" The fact is that Cicero thought very little of his provincial labors, and told Atticus that he had not a sufficient field for his industry; so that with his immense intellectual activity and energy he could easily have written what Cœlius desired if he had been so disposed. And surely it was not unnatural to wish to have a dedication from a man like Cicero. It was a better passport to fame than a consulship.

Cœlius concluded his letter by an urgent request for the panthers. He afterwards communicated the important news that Pompey had openly declared himself against the proposal to allow Cæsar to be consul and at the same time retain his province with a military command. This was the rock on which at last the Republic suffered shipwreck.

Cicero arrived at Laodicea on the thirty-first of July, and dated from that day the commencement of his government, which he was nervously anxious not to have prolonged beyond a year. His letters are full of the most pressing entreaties to his friends to exert themselves to prevent this. He told Atticus that he longed for the city, the forum, his home, and his friends, and that "the saddle had been placed upon the wrong horse."[1] If the term of his government was extended, he was, he said, undone (*si*

[1] Clitellæ bovi sunt impositæ.

prorogatur, actum est). He had expected Appius Claudius to meet him at Laodicea, or at all events in the neighborhood; but instead of this Appius went off to the eastern extremity of the province, and although his jurisdiction had properly ceased when Cicero arrived, he was holding courts and administering justice at Tarsus.[1] This gave Cicero great offence, and as he travelled through Cappadocia he wrote him a letter of grave and dignified remonstrance, saying that what he had done had all the appearance of a studied slight, and was little in accordance with the professions of friendship he had made. Another cause of grievance was, that out of the scanty military force for the defence of the province three cohorts were missing, and Cicero did not know where they were, nor what had become of them. Probably from prudential reasons he made no allusion in his letter to a more serious ground of complaint against the retiring governor. Appius had been a most oppressive and rapacious ruler. The Roman eagle had set its claws deep into the vitals of the province, which was nearly ruined. So bad had been his conduct that Cicero told Atticus that it was monstrous, and more like that of a savage wild beast than a man. He saw on all sides the misery to which the wretched provincials had been reduced, and this made him the more scrupulously determined not to impose upon them any burden or expense for the maintenance of himself and his *suite*. He would not take even his legal perquisites, such

1 After the arrival of a new governor the retiring proconsul was allowed thirty days to vacate the province; but he was not to exercise any jurisdiction or authority.

as provender for his horses, and instead of quartering his followers in the houses of the inhabitants, made them generally live in tents. The consequence was, as might be expected, that he enjoyed an unbounded popularity, and crowds flocked to see the prodigy — as bitter experience had made them regard it — of a Roman proconsul travelling through the country, and not only not plundering it as he passed, but actually not levying a single contribution. We might wish indeed that in his letters he had said less about his own merits in this respect. But he would not have been Cicero if he had been silent on such a theme, and we can forgive the egotism of the man for the sake of the equity of the governor.

At the end of August he heard the alarming news that the Parthians had crossed the Euphrates in great force under the command of Pacorus, a son of the king Orodes, and that serious disturbances had broken out in Syria. There were also marauding bands in Cilicia itself on the south-eastern frontier. But the chief danger was from the Parthians; and as the mountain-chain called Amanus, which divided Cilicia from Syria, was traversed by only two difficult passes, and offered a strong barrier against attack in that quarter, Cicero thought it more prudent to march through Cappadocia, which had an exposed eastern frontier, and he pitched his camp at Cybistra, a little to the north of the Taurus range. While staying there he had an interview with Ariobarzanes, the king of Cappadocia, and a much favored ally of Rome. He wrote a public letter to the authorities at home, giving an account of the visit of the king, and the address is worth copying, to show the style

of the state missives that were sent to the sovereign Republic: —

M. Tullius M. F. Cicero Procos. S.P.D. Coss. Prætt. Tribb. Pl. Senat.

Which, fully expanded, means, "Marc Tully Cicero, the son of Marc, Proconsul, sends health and greeting to the Consuls, Prætors, Tribunes of the People, and Senate;" — and it begins in the following cabalistic form: S. V. V. B. E. E. Q. V., that is, *Si Vos Valetis, Bene Est; Ego Quoque Valeo* — "If you are well, it is well; I also am well." The letter does not contain a syllable of allusion to the state in which he found the province owing to the misgovernment of Appius.

The apprehended danger from the Parthians passed away, but Cicero marched with his little army through a defile of the Taurus into Cilicia, and passed through Tarsus to the foot of the Amanus range, intending to occupy the passes in case the enemy should attempt to invade his province in that quarter. He thought that this would be a good opportunity to extirpate the independent tribes who in their mountain fastnesses had hitherto defied all attempts to conquer them, and whom he called the eternal enemies of Rome. They had kept up on a smaller scale a war something like that which has so long been waged in the Caucasus against Russia.

It must be borne in mind that, with the exception of the short campaign under Pompeius Strabo in the Marsian war upwards of thirty years before, Cicero had seen no military service, and was most probably never in an action in his life. He was one

> That never set a squadron in the field,
> Nor the division of a battle knew
> More than a spinster, —

but he conducted this his first military manœuvre with spirit and success. In order to deceive the enemy he pretended to have other objects in view, and withdrew to the neighborhood of Epiphania, a day's march from the Amanus range. Suddenly, during the night of the twelfth of October, he advanced to the foot of the mountains, which he began to ascend at daybreak, and, falling on the inhabitants, who were scattered and quite off their guard, he put great numbers to the sword and took many captives. The fortresses, however, held out for some time bravely, but were all taken and many of them burnt, and the whole region was laid waste with fire and sword.

In consequence of this successful raid (he calls it a "victory") Cicero was hailed by his soldiers IMPERATOR in the field. This happened at Issus, which he did not forget was memorable as the scene of Alexander's victory over Darius; and indeed the name of the spot where his army halted must have forcibly reminded him of Alexander's expedition in the East. It was called Aræ Alexandri. He stayed here four days, and then determined to try and subjugate a hardy race of highlanders who called themselves Free Cilicians,[1] and had never yielded allegiance even to the native princes in the days when Cilicia was independent. Their citadel was Pindenissus, strongly fortified, and on a lofty hill, which was difficult of access. Cicero regularly invested the

[1] Eleuthero-cilices.

place, surrounding it with a trench and rampart and redoubts, and then assaulted it with all the engines of war in use at that period. It held out for forty-seven days,[1] and did not yield until a great part of it was burnt and in ruins. The booty was given up to the troops, except the horses, and the inhabitants seem to have been sold as slaves. After this the neighboring tribe of the Tibarani sent hostages in token of submission, and the whole country being now quiet, Cicero allowed his troops to retire into winter-quarters, under the command of Quintus, and went himself to Laodicea.

What he had done was not very much, but he had done it well, and he was proud of his military honors. Writing to Atticus, he told him he had occupied the same encampment at Issus as Alexander — "a general," he added, with mock gravity, "not a little superior to you or me."

In giving an account to Cœlius, who was now ædile elect, of his campaign, Cicero told him that his reputation had served him in good stead, for even in the furthest corner of Cilicia people asked, "Is this the man who saved the city? Whom the Senate — ?" And this gave him authority with the army. But he pined more than ever for Rome; and writing to congratulate Curio on being elected a tribune, he urged him, with almost passionate entreaty, not to allow his absence to be prolonged beyond a year.

[1] It is curious that Cicero gives two different accounts of the length of the siege. In a letter to Atticus he says, *septimo et quadragesimo die*, as I have stated it in the text; but writing only a few days afterwards to Cato he calls it *fifty*-seven days, *septimo quinquagesimo die*. This is instructive when we consider the use made of some of the discrepancies in Scripture. Are we therefore to suppose that the siege of Pindenissus was a fiction?

But he was in reality in high spirits, and very well satisfied with himself just then. It was impossible for him not to be conscious of the benefits which his just and equitable rule had conferred upon the province; and he confessed to Atticus, with much *naïveté*, that he really had never before known the extent of his own self-denial and integrity! He had received a letter from his friend Volumnius, surnamed Eutrapelus, or the Witty, telling him that since he had been away from Rome all the jokes in the capital were fathered upon him; and he wrote, in a jesting strain, to complain that his property of Attic *salt* was not taken better care of by Volumnius, whom he had left to manage it in his absence. He begged that in future every joke might be disclaimed as his which was not of the wittiest and cleverest kind. To use a modern phrase, he did not wish to be considered an utterer of base coin. All metal passed off as his must have the genuine ring.[1]

He was very anxious that honorable notice should be taken at Rome of his exploits, and the usual mode of doing this was for the Senate to appoint a certain number of days for public thanksgiving, called *supplicatio*. But he was afraid of Cato's opposition. He remembered that on a former occasion the stubborn senator had said "No!" when the question was whether such a mark of honor should be conferred upon Lentulus Spinther when he was proconsul of Cilicia. He therefore addressed to him a long letter at the beginning of the year, full of the most artful flattery and compliment. He gave a narrative of

[1] In his speech *pro Plancio* he says: Stomachor, cum aliorum, non mea digna, in me conferuntur.

his own services since he had assumed the government of the province, and then earnestly begged him to support a motion in the Senate for a public thanksgiving, attributing the greatest possible weight to Cato's good opinion. One word of praise from him was worth everything.

"As to myself," he said, "if ever there was a man by nature, and still more as I believe by force of reason and education, indifferent to empty applause and vulgar admiration, I certainly am he. I appeal to my consulship, in which, as in the other periods of my life, I confess that I pursued that conduct from which real glory might be gained, but I never thought that glory in itself and by itself was a proper object of ambition. And on this principle I abandoned (when consul) the choice of a well-equipped province and the very probable chance of a triumph."

He went on to state that his present desire for a public thanksgiving was because he regarded it as some reparation for the wrong done him by his banishment, and a proof of his country's approbation. He concluded his letter thus: —

"Let me, in the last place, and as in diffidence of my own solicitations, call in Philosophy as my advocate, than which nothing has ever been dearer to me in my life. The truth is, she is one of the noblest blessings that the gods have bestowed on man. At her shrine we have both of us from our earliest years paid our adorations; and while she has been thought by some the companion only of indolent and secluded theorists, we, and we alone I had almost said, have introduced her into the world of business, and familiarized her with the actual realities of daily life. She therefore it is that now solicits you in my behalf; and when Philosophy is the suppliant, Cato surely cannot refuse."[1]

And what was Cato's answer to this appeal? He

[1] I have in this instance availed myself, with only a slight change, of Melmoth's translation of the passage, for I think it is spirited and sufficiently correct.

did not write for nearly six months, and his letter then must have been very disappointing. It was a stiff and formal epistle, and the purport of it was that Cicero ought to have felt that virtue is its own reward, and been content with the praise bestowed upon him, instead of asking for a more substantial proof of approval. Part of the letter seems almost to ignore the idea of a Providence, but the meaning I think is, that it was more creditable to keep the province by good government than to owe its preservation, under bad government, to the special interposition of Heaven, — a doctrine to which no exception can be taken.

Although it is rather anticipating, it will be convenient to mention here that Cicero at first took this reply in good part, and wrote to Cato, saying that he rejoiced *laudari a laudato*, and that he preferred his praise to the laurel garland and triumphal car; and in a letter to Atticus he declared, that, although Cato had not voted for the decree, yet the language he used was worth all the triumphs in the world; but he soon changed his tone when he found that Cato had granted to Bibulus what he had refused to himself, and had voted for a thanksgiving in honor of the proconsul of Syria for successes in that province. He then wrote to Atticus in a very different strain, and said, with strange and startling inconsistency, "Cato's behavior towards me has been meanly malevolent. He gave me a testimonial, *which I did not want*, of my integrity, justice, clemency, and honor; but refused what I asked for." And he called him most ungrateful. Such were the contradictions into which his vanity betrayed him.

Tullia had for some time been divorced from Crassipes, and her father was on the look-out for another match for her, obscure allusions to which occur now and then in his correspondence with Atticus. We are therefore surprised to find him writing in friendly terms to his quondam son-in-law, who was then quæstor of Bithynia, and asking him as a special favor to be civil and attentive to some persons in whom he took an interest. It is one of the many proofs we constantly meet with how much less sensitive on such points the ancients were than ourselves.

He quitted Tarsus on the fifth of January, B. C. 50, and crossed the Taurus range to make a progress through the other parts of his province. He says it would be impossible to describe the wonder and admiration of the inhabitants of Cilicia, and especially of Tarsus, at the mildness and equity of his government; and we need not doubt that this feeling was sincere. He was such a ruler as they had never known before. For six months not a single requisition had been made upon the provincials, unless indeed we except a few trifling necessaries allowed by law, which one of his lieutenants had exacted as he passed through the towns. Formerly, wealthy towns and districts used to bribe the governor with large sums not to quarter troops upon them during winter. The island of Cyprus had paid as much as two hundred Attic talents, a little less than fifty thousand pounds, at one time to purchase the exemption. Now not a farthing was taken from them. The provincials would have gladly shown their gratitude by erecting statues and temples in honor of their gov-

ernor, but he positively forbade it.[1] There was a severe scarcity felt, owing to a failure of the harvest and the dealers in grain had been keeping it back to get famine prices; but as he passed along on his way to Laodicea, he persuaded them to open their stores, and thus alleviate the sufferings of the people. All this made him extremely popular; and it is pleasant to find him, when he mentions it to Atticus, telling him that he was only following his counsel and advice. It speaks well for the heart of both.

Now that military operations were suspended, Cicero addressed himself to his civil duties. He chalked out for himself a course of occupation which would bring justice to the door of the inhabitants of the whole of his extensive province. This was to hold at Laodicea, for the first three or four months of the year, successive courts to try causes arising in the different districts north of the Taurus, allotting a certain time to each district; and afterwards to go into Cilicia and pursue the same course there. But no miser ever kept a more accurate account of his treasure than Cicero did of the days which he must spend away from Rome. He had arrived in his province on the last day of July, and on the thirtieth of July this year he was resolved to depart, unless the Senate prolonged his stay.

[1] On another occasion, Cicero was angry with his freedman Pelops for not exerting himself to get a statue of him erected by the Byzantines. See *Ad Att.* XIV. 8; Plut. *Cic.* 24. Some coins were discovered at Sipylus in Lydia with Cicero's name and head upon them, but they are not considered genuine. Drumann (*Gesch. Roms.* VI. 111) observes that it was never the custom to put the head of an existing governor upon the provincial currency. The form of the letters also betrayed a later origin.

To show the kind of cases with which he had in his judicial capacity to deal, I will mention one which strongly illustrates the way in which the law of debtor and creditor might be abused in a distant province of the empire, and it is one in which Cicero seems to have made a compromise between equity and friendship, to the detriment of the former. If his provincial decisions had been "reported," and the volume had come down to us, the case to which I allude would have been known as that of *Scaptius* v. *Inhabitants of Salamis*. It is curious and instructive in several respects. Some time before, the town of Salamis in Cyprus had borrowed a sum of money on a bond which secured repayment, with interest at forty-eight per cent. Being pressed for payment, a deputation was sent to Rome to try and borrow the amount, giving an assignment of the bond as security. The money-lenders of the capital, however, declined to advance the required sum, for the law did not allow them to put such a bond in suit, the legal interest being only twelve per cent.[1] At last Scaptius and Matinius, two friends of Brutus, came forward and offered to lend the money, provided that forty-eight per cent. were secured to them by a decree of the Senate; but in this they acted merely as agents of Brutus, who was the real but undisclosed principal. By his influence two decrees were passed one that the governor of the province was to enforce

1 This is the reason given by Cicero: *quod e syngrapha jus dici lex Gabinia vetabat.* But one would have thought there was an obvious mode of getting over the difficulty. Why did not the Salaminian deputies execute a fresh bond securing twelve per cent., the legal rate of interest, instead of assigning the old one? Perhaps 12 per cent. would not satisfy the Roman usurers.

payment of interest as secured by the bond, and the other that the lenders were to suffer no loss on account of the stipulation it contained. The money was accordingly advanced. But a decree of the Senate could not abrogate a positive *law*, and by the *lex Gabinia* no more than twelve per cent. could be recovered. Upon reflection, therefore, a third decree was passed, that the bond in question should have no special privilege, so that in effect the former decrees were set aside. Time passed on, and Scaptius went to Cyprus, where Appius Claudius, who was Brutus's father-in-law, and governor of Cilicia, made him one of his prefects. Armed with this authority, he harassed the inhabitants of Salamis for payment of the bond; and on one occasion shut up the city councillors in their town-hall, which he surrounded with cavalry, and kept them there imprisoned until five of them actually died of starvation. This was going on when Cicero arrived in Asia Minor, and one of the deputations that met him on landing at Ephesus was from Salamis to implore his protection. He immediately dispatched letters to Scaptius, ordering him to send his cavalry out of the island. Brutus had already written to him about the debt due from the Salaminians "to his friends Scaptius and Matinius," but gave no hint then that he himself was the real party interested. Scaptius came to him while he was in camp, and begged him to renew his office of prefect, which he had held under Appius; but Cicero had laid down a wise rule, that he would appoint no one who was engaged in trade, and Scaptius was a merchant. Scaptius therefore was told that he could not be a prefect, but that he should

recover his money. Afterwards the parties came before Cicero at Tarsus, and he heard the case. By this time he knew that Brutus was in reality the creditor. The Salaminians complained bitterly of the injuries they had received from Scaptius; but Cicero said he had nothing to do with that, and told them they must pay the money. They made no demur, and, with adroit flattery, said that the money they had for the purpose was in fact his own, for they had been accustomed to give the proconsul a larger sum than they owed on the bond, and as he had refused to take a farthing from them, it lay at his credit, and they were ready to pay to his order. "All right," said Scaptius; "we have only now to settle the amount." But in the edict or proclamation which Cicero had published in the usual manner when he assumed his government, announcing the principles on which he would administer law, he had declared that he would allow only twelve per cent., with compound interest, on loans. Scaptius, however, claimed forty-eight per cent., and produced the first decree of the Senate in support of his claim. Cicero, giving an account of this to Atticus, says that he was horrified, for to enforce payment of the debt at that rate would have been the ruin of the town. But the subsequent decrees were then referred to, and the last of them, which has been already quoted, relieved him of all difficulty, for it in effect repealed the others. He pointed out this to Scaptius, who then *took him aside*, and admitting that it was so, and that he had not a word to allege against it, said privately that the town in reality owed him less than it thought —that it supposed the amount was two hundred

talents, and he begged Cicero to make them pay him that sum. "Very well," replied Cicero. He then called in the deputies from Salamis, and asked them how much their debt was. They said one hundred and six talents. Scaptius protested it was more, but an account was taken on the spot, and it was found they were right. They immediately offered to pay the money, but Scaptius again *took Cicero aside*, and entreated him to let the matter stand over, and not force him to take the money. The cunning scoundrel wished to wait for the chance of a new governor coming, who might be persuaded to enforce payment of the forty-eight per cent. Cicero says that *the request was an impudent one, but he yielded to it.* The poor Cyprians then prayed to be allowed to deposit the money in a temple, which was equivalent to paying money into court with us, and thus prevent further interest from accruing; but this Cicero refused, and he admits he did so out of complaisance to Brutus (*sed totum hoc Bruto dedi*). It is extraordinary that Middleton should allow his admiration of his idol so completely to blind his judgment that he can see nothing blameworthy in Cicero's conduct relative to this affair. He gives only a short and confused account of the transaction, and suppressing all mention of the injustice of which Cicero was guilty to oblige Brutus, fixes the reader's attention wholly upon his refusal to allow the "extortion" of Scaptius.[1] He says, "Though he had a warm in-

[1] There are few things more difficult to explain thoroughly than the old Roman law of contracts; and it is by no means easy to understand the Scaptius case. Middleton clearly did not. I think that the narrative I have given is correct. Abeken admits the difficulty, *Cicero in seinen Briefen*, p. 214.

clination to oblige Brutus, yet he could not consent to so flagrant an injustice, but makes frequent and heavy complaints of it in his letters to Atticus." Who would suppose from this that Cicero himself told Atticus, *totum hoc Bruto dedi*? The truth is, that, under all the circumstances of the case, there would have been no "injustice" in enforcing the bond; but it was injustice not to allow the debtors to pay when they were willing, and to prevent them from depositing the money where interest would have ceased to run, as their creditor refused to receive the principal. Cicero, however, rather prided himself on the way he had dealt with the case.[1] If one of the most upright of Roman governors could allow himself thus to trifle with equity, what may we not believe of the conduct of others? "For if they do these things in a green tree, what shall be done in the dry?"

But this was not the only case in which he abused his proconsular authority in favor of Brutus. Ariobarzanes, the petty king of Cappadocia, was hopelessly involved in debt. He owed an enormous sum to Pompey for principal and interest: he also owed money to Brutus, and had no means of paying off either of these debts. He was poor almost to a proverb,[2] and had neither revenue nor treasury. He could not wring from his subjects enough to pay even the monthly interest to Pompey. Brutus had commissioned Cicero to procure payment of his debt; and Ariobarzanes, on being applied to, promised to

1 He wrote to Atticus, "itaque irascatur qui volet: patiar. τό γαρ ἐν μετ' ἐμοῦ." — *Ad Att.* VI. 1.

2 Mancipiis locuples eget æris Cappadocum Rex. — Hor. *Epist.* I. 6.

send the money; but Pompey's agents then began to put on the screw, and his name was all-powerful, especially as it was generally believed that he was coming to Asia Minor to take the command against the Parthians. Payment therefore of interest to him absorbed all the available means of the hapless prince whom the Roman Senate had placed under the special protection of Cicero, as a ward under the protection of a guardian; but notwithstanding this, and although Cicero declared that no one was more destitute than the king, and nothing more ruined than his kingdom, he, to gratify Brutus, persecuted him with applications and reproaches, to try and force him to pay the debt. What the result was does not appear, but he was so satisfied of the king's inability that he says he thought of making for him, as his guardian, a public declaration of insolvency.

But that he was a most popular governor, admits of no doubt. Instead of imposing the Roman law upon the people, he allowed them to try their causes in their own courts according to their own local customs, and with native jurymen. A good effect of this was that the provincials flattered themselves with the idea of independence.

He also made himself personally popular by his affability and courtesy. A Roman governor was a very great personage in the eyes of the provincials With his lictors, his fasces, and his pomp, he dazzled and frightened them. It was not easy to approach him, except through secretaries and at formal interviews; and many a complaint must have remained unheard, and many a wrong unredressed, from the difficulty of conveying a knowledge of it to his ear.

But Cicero was accessible to all. If a petitioner wanted to see him, he had not to address himself to a groom of the chambers (*cubicularius*), but might go straight to the proconsul himself. He rose before daybreak, and was ready to receive applicants as he walked up and down his hall, just as, he says, he used to do when he was a candidate for office at Rome; and his old habits made this easy to him. He gives an amusing account of a Roman grandee named Vedius, who came to see him, and who travelled *en grand seigneur*, with a couple of foreign chariots, a litter, and a long train of slaves, for which, he says jokingly, if Curio's turnpike bill were passed, Vedius would have to pay a considerable toll.[1] He had with him, besides, an ape and some wild asses. He put up at Laodicea at the house of Vindullus, where he left his equipage and baggage while he went to pay his respects to the governor, who was some distance off. During his absence Vindullus died, and as they were sealing up his effects they had to examine Vedius's things to separate them from the rest. Amongst these they found five little statuettes or pictures of Roman married ladies, with whom it was inferred he had carried on intrigues. Cicero told this bit of scandal to Atticus with great glee; "for we are both," he said, "pretty curious" (*sumus enim ambo belle curiosi*).

We find in his correspondence at this period a few allusions to domestic matters. The two young Ciceros were pursuing their studies with their tutor

1 Curio as tribune had brought in a bill for a *lex viaria*, to repair and maintain the public roads by levying a toll on those who used them. But I am not aware that there were any *turnpikes* in our sense of the word on the Roman *viæ*.

Dionysius, whom he calls thoroughly trustworthy, but the boys thought him very passionate. In distinguishing the characters of the cousins, he says that his nephew required the rein and his son the spur. Young Quintus had now reached the proper age for assuming the *toga pura*, or dress of manhood and in the month of April his uncle invested him with it with the usual formalities. Tullia was free to marry again, and the advantages of several matches had been considered by her father. Different suitors sought her hand, and, amongst others, Tiberius Nero, who either went or wrote to Cicero in Cilicia to obtain his consent. He appears to have been willing to give it, and sent messengers to his wife and daughter to sound them on the subject; but in the mean time Tullia had made another engagement for herself, and one which her father had himself for some time contemplated as probable, so that Tiberius was disappointed. He afterwards married Livia, and by her became the father of Tiberius the emperor. Augustus fell in love with her, and, compelling her husband to divorce her, married her himself. If Tullia had accepted the proposal of the elder Tiberius, the world might possibly have been spared one monster. It seems strange to us that the person whom Cicero had chiefly in his eye as a husband for his daughter was at the time he first thought of him a married man. He was Lucius Cornelius Dolabella, a profligate young nobleman, one of the worst men in that bad age; but Cicero knew that a divorce between him and his wife Fabia was very probable, and Cœlius wrote to him in January, and told him that it had just taken place. In the same letter he

mentioned that everything just then was very flat at Rome, and no news was stirring. He begged Cicero to remember the panthers, and said "it will be a shame if I do not have some." Cicero, in his answer, told him that he had given orders to the hunters to get the panthers, but there were only a few; and he wittily added that the poor beasts complained that they were the only creatures in his whole province that suffered from treachery and violence. Dolabella afterwards did marry Tullia, and the engagement placed Cicero in rather an awkward predicament with reference to Appius, as I will now explain.

The letter has been mentioned which Cicero wrote to Appius, complaining of his want of attention in not meeting him on his arrival in the province. This led to a not very amicable correspondence between them, in which Appius retorted upon Cicero that *he* had been guilty of discourtesy in not going to visit him. But there were more serious grounds of offence. Some creatures of Appius wished to erect a temple or monument in his honor at a town in Phrygia called Appia, apparently after him, and Cicero had thrown obstacles in the way, on the ground that a heavy expense would be caused to the inhabitants, who were to be taxed to raise the money for the purpose. Also a deputation had been got up to go on a complimentary mission to Rome, and sing the praises of the ex-governor; but this too, as Appius believed, had been stopped by Cicero.[1] He, on the other hand, brought under Appius's notice the complaints made of his intolerable exactions; and while

1 This, however, was distinctly denied by Cicero, who said that he merely wished to limit the expense of the embassy; and at last gave way even on that point. — See *Ad Div.* III. 10.

this kind of recrimination was going on, it was not likely that their feelings towards each other could be cordial, notwithstanding the tone of compliment in which Cicero expressed himself, declaring that he desired Appius to believe that he was not only one of his friends, but one of his dearest friends. The result was that Appius returned to Rome much dissatisfied with his successor; but when he arrived there he found an impeachment awaiting him. Dolabella, the very man whom Cicero expected to be his future son-in-law, came forward and accused him of malversation in his government. It was of course everything to Appius to have Cicero on his side, for if he were hostile he could most materially assist the prosecution in getting evidence for a conviction. But Appius relied upon him notwithstanding their late difference. He therefore immediately on his arrival wrote to him in a very different strain. His letter is lost, but it is described by Cicero as full of courtesy and kindness. He seems, however, to have made no allusion to the *cause* of his sudden change of tone, namely, Dolabella's accusation; and Cicero, in his answer, attributed his civility to the effect of his return home to the more polished society of the capital. With a mixture of good-nature and hypocrisy he readily grasped the hand of reconciliation held out to him, and availed himself of the opportunity to entreat Appius, "out of regard to their old friendship, to exert himself, as he promised, to get a public thanksgiving decreed in his (Cicero's) honor as soon as possible." We may well be surprised that he should stoop to ask a favor of a man of whose misgovernment he had such convincing proofs constantly before

his eyes, or wish to owe in any degree to him a public recognition of his own services.

To show what he really thought of Appius's conduct as a governor, I will quote a few passages from a letter which he wrote to Atticus in March:—

"Appius sent me on his journey two or three grumbling letters, because I had rescinded some of his ordinances. Just as if a doctor, when his patient called in other advice, were to be angry with the new medical attendant for making a change in the treatment; so Appius, who put the province on a reducing system, bled it, took all he could from it, and handed it over to me in a dying state, does not like to see me give it a nourishing diet, but at one moment is angry and another thanks me. For I do nothing to his disparagement: only the difference of my system displeases him. For what can be so different as that under his rule the province should have been exhausted by expense and extravagance, while during my government not a farthing has been exacted from individuals or the public? What shall I say of his prefects — his retinue — his lieutenants — aye! his robberies — his licentiousness — his insults? Now, however, there is not a family which is under such management and discipline as the whole of my province."

With this expression of opinion before us, it is with astonishment we read the letter which he wrote to Appius when he heard that Dolabella was his accuser. He was anxious no doubt to clear himself from all suspicion of being party or privy to the prosecution, as Dolabella's engagement to Tullia had become known; and Cœlius had cautioned him not to express any sanction or approval of it while the trial was pending, lest he might be compromised with Appius. But the language he uses is that of extravagant praise. If he had really thought Appius a paragon of excellence, he could not have written in more complimentary terms. He expressed his sur

prise at the temerity of the young man, without naming him, whom he had himself twice defended on serious charges, and who now came forward as the accuser of Appius. Dolabella seems to have said either that he was or would be backed by Cicero, and Appius complained of this. Cicero now declared that Dolabella's assertion was silly and childish, and that he himself would have been more ready to break off an old connection than form a new one with a man who gave such a proof of his hostility to the ex-proconsul. In the rest of the letter he insists on the similarity of their tastes, the intimacy of their lives, the *éclat* of their reconciliation, as grounds to show that Appius might rely upon him; and he appeals to his own character in proof that the friendship he professes is sincere. He insists also on the fact that they both belonged to the Augural College, in which not only was a violation of friendship deemed by their ancestors a sin, but into which no one could ever be elected who was the enemy of any member of the body.

The trial took place, and Appius was acquitted; but another indictment was preferred against him for acts of bribery and corruption charged to have been committed when he stood for the consulship five years previously. Before it was tried he became a candidate for the censorship. Cicero wrote to congratulate him on the result of the first prosecution, and addressed his letter "To Appius Pulcher (as I hope), Censor." He told him that he had kissed the letter in which Appius had mentioned his acquittal, and had congratulated even himself; "for the tribute," he said, "that is paid by the whole people, the

Senate, and the body of jurymen, to intellect, industry, and virtue, — I perhaps flatter myself in fancying that these qualities are mine, — I consider as paid also to myself." He added that he was not so much surprised at the glorious issue of the trial as at the perversity of Appius's enemies. This could only refer to Dolabella, his son-in-law in prospect. "How unfortunate," he exclaimed, "for me that I was not present! What roars of laughter I would have excited!" He rejoiced to hear that, owing to the unanimous feeling in his favor, Appius might be said to have been defended by the Republic herself, whose duty it was, even when the good and brave abounded, to protect men of that stamp, but who now, when there were so few left, ought in her bereavement to cherish them as her protectors. He said he would take care to brand with opprobrium the mercenary witnesses from the Asiatic towns, who had appeared against Appius at the trial.

Now when we remember what these witnesses came to prove, — namely those very misdeeds of the ex-governor of which Cicero himself, in his letters to Atticus, had so strongly complained, — it is difficult to understand how he had the face to pen such a passage as this. If he had put his threat in execution he would have been guilty of gross injustice, unless indeed the whole story of Appius's misrule was a fiction, and in that case no one had libelled him more disgracefully than Cicero himself.[1]

The prosecution for bribery failed as signally as

[1] Cicero seems to have sent his testimony, or, as we should say, deposition, to Rome in favor of Appius. Post hoc negotium autem et temeritatem nostri Dolabellæ, deprecatorem me pro illius periculo præbeo. — *Ad Div.* II. 13.

the other, and Appius was unanimously acquitted. Cicero again wrote to congratulate him, and entered upon the delicate question of his own connection with Dolabella, the accuser. He begged Appius to put himself in his place, and if he then found it easy to know what to say, he would not ask him to excuse his present embarrassment. But it is better here to quote Cicero's own words. His language is curious and characteristic: —

"I wish indeed," he said, "that what has been done without my knowledge [that is, his daughter's engagement] may turn out, as you most kindly desire, prosperously both for me and my Tullia. But I also hope, that it may have happened at that particular time [when Dolabella came forward as prosecutor], not without some good luck attending it. However, in entertaining this hope, I rely more on your good sense and kindness than on any arguments drawn from coincidence of time [that is, his own absence concurring with Tullia's engagement]. To say the truth, I don't know how to go on with my vindication. For I ought not to say anything in disparagement of an event [the proposed marriage] which you yourself congratulate me upon; and yet I am annoyed at the possibility of your not perceiving that what has been done was done not by me, but by others to whom I had given authority to act according as they thought best without referring to me, inasmuch as I was so far off. But it occurs to me that you may ask, 'What would *you* have done, if you had been at home?' I answer, I would have approved of the marriage. But as to the time of its taking place, I would have done nothing against your consent, nor without your advice. You see what pains I take to defend what has been done, and yet not offend you. Relieve me, then, of this burden, for I think I never handled a more difficult case."

By this long, obscure, and labored apology, Cicero meant to say simply this: — "I am sorry that it so happened that my son-in-law was your accuser. I knew nothing about it, and therefore do not blame

me. I think he acted very wrongly in prosecuting so excellent a man as yourself. I approve of the engagement, but I heartily wish it had not coincided, in point of time, with your own impeachment." No wonder that, when he wrote thus, he should feel that Cœlius, who knew his real sentiments as to what Appius deserved, would be surprised at the contrast In a letter to him he said, "What if you were to read my letter to Appius, which I sent to him after receiving yours! But what would you do? Such is the way of the world (*sic vivitur*)." The truth is, that he was afraid of breaking with Appius, who had powerful connections and numerous friends, — for Pompey's son Cnæus had married one of his daughters, and Brutus another, — and he *professed* to be personally very fond of him. In a letter to Cœlius, written at the end of April this year, and which I strongly suspect he thought Appius was likely to see, he says, "I very much like Appius, as I have often told you in conversation, and I felt that I began to be liked by him as soon as ever we laid aside our mutual grudge at each other; for when he was consul he showed me respect. He is a pleasant friend, and our literary tastes and pursuits correspond." [1] But to Atticus, to whom he unbosomed his thoughts without reserve, he expressed himself much more coldly about him: — "I am doing," he says, "all I can for Appius, all, I mean, that I can with honor, and with good-will too, *for I have no hatred to him himself*, and I love Brutus; and Pompey, to whom I

[1] It is a terrible proof of the immorality of the times, that, when Appius was Censor and Cœlius was Ædile, each preferred an indictment against the other under the *lex Scatinia;* a law, *in molles et effeminatos qui nefandâ venere uterentur.*

feel attached more and more every day, is extremely urgent with me about him." [1]

We should notice what he here says about Pompey; and in other letters he declares that he is wholly devoted to him, and is ready to die for him. He had a prescient feeling of the coming storm, and had already made his election. Writing to his friend Thermus, who was then proprætor in Asia Minor, he said, "Who knows what sort of times are before the Republic? To me they seem likely to be turbulent ones." He was very impatient to get back to Rome, from which, as time rolled on, he became more than ever desirous of news. Writing to Cœlius in June, he said,—

"Cling to the city, my friend, and live in her light. Every foreign employment, as I thought from my earliest manhood, is obscure and petty for those whose abilities can make them famous at Rome. And as I well knew this, I wish I had acted on that opinion. I do not consider all the profits of a provincial government as comparable with a single walk and conversation with you."

He was now anxious, as no successor had yet been appointed, to find a proper person to whom he might intrust the care of the province when he left it. He would have preferred Quintus, but he was by no means sure that his brother would consent, and as there seemed to be a prospect of a Parthian war, he did not like to ask him to accept so troublesome a post, especially as the province was ill provided with means of defence. Besides, he feared his enemies might say that he had not really resigned his post at

[1] The ending of this letter shows the active habits of Cicero: *sed lucet urget turba.* "The day is breaking; my *levée* is getting crowded."

the end of the twelvemonth, if he appointed a second self like his brother to take the command. He says that he had performed exploits which were worthy of a triumph, for which, however, he would show no undue eagerness. We may think indeed that his claim to a triumph rested on rather slender grounds, but there seems to be little doubt that, if civil war had not broken out, he would have gained this great object of Roman ambition, which was indeed the only honor in his brilliant career that he had not yet enjoyed.

Young Hortensius, whose profligate character gave great uneasiness to his father, came to Laodicea, and conducted himself there disgracefully. For the father's sake, Cicero invited him to dinner, but beyond this showed him no attention, as he knew how much Hortensius was displeased with his conduct. At this very moment the great advocate was dying. Cicero heard the news just as he was on the point of embarking to return home, and alluded to it in a letter to Atticus in these words: — "I am sure you grieve for Hortensius; I am distracted, for I had resolved to live on very intimate terms with him."

In the mean time the *supplicatio*, or thanksgiving in honor of Cicero's successes against the enemy, upon which he had set his heart, and which, as we have seen, had actually been decreed by the Senate, was postponed owing to a quarrel between Curio and the consuls. They prevented him from bringing measures before the people, and in revenge — although he professed all the while the greatest friendship and respect for Cicero — he interposed his veto and would not allow the thanksgiving to take place.

The matter ended in a compromise, and the consuls agreed that the *supplicatio* should be put off until the following year.

Cicero was counting the days which yet remained before he could be released from his government. He went to Tarsus on the thirteenth of June, and collected a military force there, to be ready to assist Bibulus, who, as proconsul of Syria, had to repel the attacks of the Parthians, and was afraid he might be hard pressed. He was preparing what we may call his financial statement, or accounts of the moneys received and spent during his year of office, two copies of which he was by the Julian law required to deposit in two separate towns of his province, rendering a third to the Senate at Rome. It was the special duty of the quæstor to see that these were correct, for he was the provincial chancellor of the exchequer. Volusius had gone, and Cælius Caldus, his successor, had only just arrived. It devolved therefore upon Mescinius to attend to the business. Owing to the frugal manner in which he had carried on the administration, Cicero had a surplus beyond the sum voted by the Senate for his expenses.[1] He invested 2,200,000 sesterces (about 19,500*l.*), part of this surplus, in *cistophori*, an Asiatic gold coin, and afterwards lent the whole sum to Pompey, who seems

[1] Drumann says (*Gesch. Roms.* VI. 144) that he received his share of the booty taken in the Amanus campaign, and he quotes as his authority *Ad Att.* V. 20, *Ad Div.* II. 17. But I infer the direct contrary from those passages. Cicero says, *Ad Att.* V. 20, Militibus quoque, equis exceptis, reliquam prædam concessimus. Mancipia venibant. And *Ad Div.* II. 17, De prædâ meâ, præter quæstores urbanos, id est, populum Romanum, teruncium nec attigit nec tacturus est quisquam. . . . Omnis enim pecunia ita tractatur, ut præda, a præfectis ; *quæ autem mihi attributa est, a quæstore curatur.* This shows that Cicero did not pocket any portion of the spoil.

never to have repaid him. There is some doubt as to what was the amount of the money he deposited in the Treasury to the credit of the State, but none at all that Middleton is absurdly wrong in saying that it was above eight hundred thousand pounds! De Quincey calls this an "extravagant, almost maniacal assertion," and regards it as fatal evidence against his trustworthiness as a biographer. "The man," he says, "who *could* believe that a sum not far from a million sterling had arisen in the course of twelve months from a province sown chiefly with paving-stones, as a little bagatelle of office, a *pot de vin*, mere customary fees payable to the discretional appropriation of one who held the most fleeting relation with the province, is not entitled to an opinion upon any question of doubtful tenor." The truth is, that the copies differ as to the figures, but I believe none support the mistake of Middleton. Whatever the amount was, his *suite* regarded it, most probably according to precedent, as their perquisite, and grumbled at Cicero for paying it into the Treasury, after deducting a sum sufficient for a year's expenditure of his quæstor Cælius.[1]

After some hesitation he appointed this Cælius deputy-governor of the province until a proconsul was sent out from Rome. Mentioning this to Atticus, he said jokingly, "You are under the necessity of approving my determination, for it cannot be changed." But in the next letter he showed that he was by no means satisfied with his choice, although he could not help it. He said, "I have handed over the province to Cælius — 'a mere youth,' you will

[1] *Ad Att.* VII. 1.

say, 'and perhaps silly, wanting in steadiness and self-control.' I agree, but it could not be otherwise."[1] It is to Cicero's credit that he had determined, if a Parthian war broke out or seemed imminent, either to leave his brother in the command, as the most competent person he could find, or stay himself beyond the time limited by his commission, and thus stretch the authority committed to him by the Senate rather than leave the province in peril; but happily the enemy retired from the frontier, and he was able to get away on the day he originally intended.

His year of office ended on the thirty-first of July, and on the third of August we find him at Sida, a port on the coast of Pamphylia, on the point of embarking for Italy. But before we follow him on his voyage, let us cast a rapid glance at the events that had happened in the interval of his absence, and explain how it came about that when he arrived at Rome he found himself, as he expressed it, in the midst of the flames of civil discord.[2]

[1] It is curious to contrast this with what Cicero wrote to Cælius himself a short time before, when he said that he could not have desired a better quæstor — mihi quæstor optatior te obtingere nemo potuit. — *Ad Div.* II. 19.

[2] Incidi in ipsam flammam civilis discordiæ. — *Ad Div.* XVI. 11.

CHAPTER XVIII.

CIVIL WAR.

ÆT. 57–58. B. C. 50–49.

THE death in childbed of Julia, who was Cæsar's daughter and Pompey's wife, followed by the death of the son to whom she had given birth, completely rent the tie between the two rivals for power. Niebuhr says, "Cæsar's affection as a father was so great that he would have brooked anything if his daughter had remained alive;" but this we may be allowed to doubt. Two years afterwards Pompey allied himself to the noble family of the Metelli by marrying the daughter of Cæcilius Metellus Pius, whom he made his colleague in the consulship, after enjoying that high dignity for six months alone. There is no doubt that by his third consulship he strengthened his position and recovered lost ground. His measures were energetic, and his influence was great. When a dictator was talked of to put a stop to the anarchy which prevented the election of the ordinary magistrates of the Republic, men instinctively turned to him. He was still proconsul of Spain, and as such the commander of a considerable military force; but he had never once set foot in his province, and its government was carried on by his lieutenants Petreius and Afranius.

During all this time Cæsar was absent from Rome. It is a striking proof of the self-reliant character of the man, that for ten long years he kept away from the scene where the great game of ambition was to be played out, and left the stage apparently undisturbed to his rival. But he took care that in the mean time he should not be forgotten. The fame of Wellington's victories in the Peninsula was not more present to the minds of his countrymen in England than the fame of Cæsar's victories in Gaul and Britain was present to the minds of his fellow-citizens at Rome. He kept up also constant relations with the capital, and had a numerous and active party there devoted to his interests. I do not think we have evidence that he had formed any plan to subvert the constitution, or indeed any plan at all, farther than this, that he was determined, that, if there was to be a master of the Republic, he, and not Pompey, should be the man. When he wintered at Ravenna, the nearest point at which he could by law approach Rome while invested with his military command, his headquarters were the resort of the disaffected, who represented themselves as the victims of aristocratic oppression. Munatius Plancus Bursa, after his condemnation for seditious violence, found an asylum there, and was ostentatiously supplied with money by Cæsar. The discontented at Rome looked to him as their protector, and the populace remembered his largesses and his shows. While the Senate was powerless, and the magistrates could do nothing but mutually paralyze each other, he was filling the world with the glory of his exploits, and securing the enthusiastic devotion of his legions.

Cicero himself had spoken and voted for the prolongation of his command for another period of five years, and it was during this time that the state of Rome became such that a dictatorship of some kind was almost inevitable. When tribunes were preventing the comitia for electing consuls from being held, and consuls were preventing tribunes from bringing measures before the people, — when the resolutions of the Senate were rendered impotent by *vetos*, and the executive was carried on by the provisional expedient of an interregnum, — it was plain that some strong arm was required to restore order, and enable the machinery of government to play. It is, however, one question whether the exigency of the crisis required a change in the constitution, and another whether a subject of the state was justified in overthrowing it. I do not believe that Cæsar deliberately intended to do this, but he was resolved at all hazards not to allow Pompey to be master of the situation; and it was the obstinacy with which each of these two men refused to give way to the other that led to the fatal rupture.

The extended period of his proconsular government would expire B. C. 50. In the previous year M. Claudius Marcellus was consul, and he was a determined opponent of the Julian party. In May he brought forward a motion in the Senate for the recall of Cæsar, and a resolution to that effect was passed, which, however, was not carried into execution owing to the interference of the tribunes. Further, to show his dislike in the most contemptuous way, he caused an inhabitant of Como — a colony which Cæsar had founded in Cisalpine Gaul — to

be flogged at Rome, although, as having filled a magisterial office in the town, he was entitled to the rights of a Roman citizen ; and we know, from the memorable protest of St. Paul, that it was not "lawful to scourge a man that was a Roman." But Marcellus wished by this insult to show that he did not recognize any legal authority in the proconsul of Gaul to found a colony and confer the civic franchise. He persisted in his endeavors to get him recalled from his province, but at the end of September the Senate resolved that the discussion of the question should be put off until the following year, and that on the first of March the then existing consuls should bring the matter formally before the House. Pompey himself admitted that it was not fair to agitate the question sooner; and when he was asked what would happen if any of the tribunes then interposed their veto, said that there was no difference whether Cæsar refused to obey the Senate's decree, or got some one to prevent the Senate from making any decree at all. "But," asked another, "what, if he wishes to be consul, and at the same time retain his military command?" To which Pompey replied, "You might as well say, what if my son wishes to strike me with a stick?" By this he meant to imply that such a demand on the part of Cæsar was impossible ; but he forgot, or did not choose to allow, that he himself had set an exact precedent in point, for during his third consulship he was still proconsul of Spain, and as such had the command of a considerable army. And Cæsar was determined not to place himself in an inferior position. If Pompey laid aside his military command,

he was ready to do the same, or, if he were elected consul, he seems to have been willing to yield the point; but he was not willing to imperil himself by going to Rome to canvass for the consulship as a private individual, and run the risk of impeachment, with which his enemies would be sure to attack him on his arrival. He therefore for the present resolved to retain his command; and he well knew that the master of the legions which had conquered Gaul might laugh at any attempt to deprive him of it by force.

So matters stood at the end of the year. The two new consuls were Caius Claudius Marcellus and L. Æmilius Paullus. Cæsar bought Paullus by an enormous bribe. Curio, the tribune whom Cicero had so flattered in hopes of securing him on the side of the Senate, and whom Niebuhr calls "a man of great talent, but of the most decided profligacy and immorality," was overwhelmed with debts, which amounted to nearly half a million sterling. These debts Cæsar paid off, and Curio became his devoted partisan.

The Senate decreed that two legions should be sent to the East for the Parthian war, and that one of these should be taken from the army of Cæsar and the other from the army of Pompey. Pompey had previously lent a legion to Cæsar, which fought for some time under his standard, and was looked upon by him as part of his own troops. In complying with the Senate's order, Pompey adroitly gave up that legion which, though nominally his, was in fact Cæsar's, so that Cæsar had to surrender two legions instead of one. And these were not sent to

the East after all, but retained by the consul Marcellus in Italy, at Capua, ready for Pompey in case it became necessary to draw the sword.

Curio now proposed that both Pompey and Cæsar should lay down their military commands, disband their armies, and appear in Rome in the character of private citizens. "This," says Niebuhr, "was the fairest proposal that could have been made; but Pompey's party replied that his *imperium* had yet to last for a longer period than that of Cæsar. It was a misfortune for Rome that Pompey, who was then severely ill (at Naples), did not die as his friends apprehended. He was so popular, or perhaps so much feared, that all Italy offered up prayers for his recovery.[1] Pompey assumed the appearance of being ready to yield, but lamented the manner in which he was treated by Curio. When Curio put the question to the vote as to whether both were to lay down their *imperium*, an immense majority of three hundred and seventy senators answered in the affirmative, while only twenty-two voted against it. But the consul Marcellus rejected the decree: the State was in perfect anarchy and dissolution. Marcellus was a champion for the authority of the Senate, and in this instance he nevertheless refused to acknowledge that authority."

But by thus acting, Marcellus sealed the fate of the Senate. It was their last chance, and in his folly he deliberately threw it away. If they had not become contemptible in their weakness, they would

[1] The general sympathy deceived Pompey as to his real position. When he was asked what he would do if Cæsar marched against him, he answered, "I have only to stamp on the ground, and soldiers will rise."

have compelled the consul to allow their decree to be executed, and whatever might have been the ultimate issue, there seems no reason to doubt that civil *war* would have been averted. A false report was spread that Cæsar was marching upon Rome, and the Senate in haste and terror declared him a public enemy. Marcellus, the consul, put a sword into Pompey's hand, telling him to defend the Republic, and made over to him the command of the two legions at Capua and the rest of the military forces in Italy. In vain Curio protested against these measures, and at last, under the pretext that his life was in danger, he quitted Rome at the end of December, and fled to Cæsar at Ravenna.

But let us return to Cicero, whom we left at the port of Sida, embarking at the beginning of August on board a vessel for his homeward voyage.

He first stopped at Rhodes, which he wished to show to his son and nephew, who accompanied him, and there the news reached him that Hortensius was dead. In his dialogue *de Claris Oratoribus*, he mentions the circumstance, and pays an affectionate tribute to the memory of this great advocate, of whom he generously said that he had lost in him, not, as most people thought, an adversary and rival, but a partner and associate in a glorious profession. From Rhodes he went to Ephesus, and thence proceeded to Athens, which he reached on the fourteenth of October, after a tedious and uncomfortable voyage. Here he found letters awaiting him from his wife, and Atticus, and many other friends. He immediately wrote to Terentia, and his letter is short but affectionate. He calls her his "sweetest and dear-

est," and begs her to come and meet him as far as the state of her health will allow. Atticus had written while suffering under an attack of fever, and Cicero in replying to his letter said, that, when he opened it, he was at once struck by the confused character of the writing, so different from the clear and neat handwriting of his friend. He confessed the embarrassment he felt at having to make up his mind as to which of the two contending leaders he would join, from both of whom he had received letters couched in the most flattering terms. If, however, the sword were appealed to, he said it would be better to be vanquished with Pompey than to vanquish with Cæsar. But upon the question of whether Cæsar should not be allowed to become a candidate for the consulship in his absence and forced to disband his army, which might be under discussion when he arrived in Rome, he felt a difficulty, and he imagined himself called upon to deliver his opinion in the Senate.

"'Speak, Marc Tully.'—'Wait, I pray, until I consult Atticus.' 'Let us have no shuffling — speak.' If I declare against Cæsar, what becomes of those pledges I have given him? for at his request I aided him in getting permission to be a candidate though absent. At his request do I say? Aye! and at the request of our friend Pompey, too, in that divine third consulship of his. Shall I now take a different line from him? I respect the opinion not only of Pompey, but, as Homer says, 'the men and women of Troy.'"

He thought therefore that it would be a good expedient to claim the honor of a triumph, as in that case he must, according to law, remain outside the walls of Rome, and would thus escape the dilemma in which he would find himself the moment he took

his seat in the Senate. But he added, with a comic consciousness of what would happen, "They will, however, take pretty good care to elicit my opinion." As to the reason here given for demanding a triumph, it seems to have been nothing more than an excuse to conceal the eagerness with which he sought it, and of which he felt half ashamed. "Many writers," says De Quincey, "have amused themselves with the idle vanity of Cicero in standing upon a claim so windy under circumstances so awful. But on the one hand it should be remembered how eloquent a monument it was of civil grandeur, for a *novus homo* to have established his own amongst the few triumphal families of Rome, and on the other hand he could have effected nothing by his presence in the Senate."

On his way from Athens to Italy he was obliged to leave his favorite freedman Tiro at Patræ, a port of Achaia, as he was too ill to proceed on the voyage. Several letters to him from Cicero are extant, and nothing can exceed the affectionate kindness of their tone. No father ever displayed more solicitude for the recovery of a beloved son than he did for the recovery of his freedman. Tiro seems to have been a very intelligent man, and possessed of considerable literary attainments. In one of his letters, Cicero tells him that without him he can write nothing; and Quintus, in another addressed to him, quotes in the original a line of Euripides, and says, "I don't know what value you attach to the poet's opinions, but I think that each of his verses is like a deposition upon oath." It is uncertain at what period he received his freedom, as it is impossible to fix the date

of the letter which Quintus wrote to his brother congratulating him on the act of manumission, the news of which he said had made him leap for joy. Tiro assumed the names of Marcus Tullius, according to the usual custom in such cases, and he published a collection of Cicero's letters after the death of his friend and benefactor. He also wrote his Life in several books, the fourth of which is quoted by Asconius, and he gave to the world an edition of his speeches.[1]

Cicero sailed from Patræ on the second of November, but was detained by stormy weather and contrary winds at Actium and Corcyra, so that he did not make the coast of Italy until the twenty-fourth of that month, on which day he reached Hydruntum (*Otranto*), and proceeded next day to Brundusium. He entered the harbor at the same moment as his wife entered the town by one of the gates, through which the Appian Way passed, so that they both met in the Forum.

From Brundusium he proceeded to Herculaneum, which he reached on the tenth of December, and then went to spend a day or two at the house of his friend Pontius Aquila, at Tribulanum. At Lavernum he met Pompey, and they went together to Formiæ, and had a long conversation on the state of public affairs. Pompey thought that war was inevitable, and, so far as Cicero could judge, did not even wish for peace. For he said, that, if Cæsar were consul, even although he dismissed his army,

[1] Two treatises have been written by modern scholars on the subject of this Tiro. His relations with Cicero became the subject of an infamous calumny, which it would be an insult to the memory of both to notice. — See Plin. *Ep.* VII 4

there would be a revolution. But he professed great contempt for him as an opponent in the field, and was full of confidence in the force he could bring against him. He had in his hand the copy of a mob speech which Marc Antony, the newly elected tribune, had just made, full of abuse of Pompey, and threats of an appeal to arms. Turning to Cicero, he asked, "What do you think Cæsar himself would do if he were master of the Republic, when a weak and needy fellow like his quæstor dares to say such things?" So little indeed did Pompey understand the real position of his rival, that, thinking he could easily crush him, he did not like the idea of peace. He was soon terribly undeceived.

From Formiæ Cicero travelled to Terracina, where he arrived at the end of December, intending to reach Rome on his birthday, the third of January.

His own opinion at this time was, that the best solution of the difficulty would be to concede what Cæsar demanded, that is, allow him to stand for the consulship and yet retain his military command. And events proved that this would have been the wisest policy. Cæsar might indeed in that case have become too powerful for the citizen of a free state, and virtually, if not in name, dictator. But the shock of war would have been avoided, and the constitution with certain modifications might have been preserved. If the sword was to decide the strife and he was victorious, he would then have the rights of a conqueror, and might remodel the government as he pleased. Nor was there much reason to doubt, that, if Pompey were successful in the conflict, Rome must receive him as her master instead of Cæsar, and the

only question would be whether he was likely to use his victory with more moderation than Cæsar. As Cicero said with prophetic truth, "Victory will produce many evils; and the result will certainly be a despotism (*certe tyrannus existet*)." Looking at the state of the times, I see no reason to believe that Pompey, if successful, would have stopped short of a evolution; so that in either event the doom of the constitution was sealed. Whether it was worth preserving is another question, upon which opinions may differ; but at all events Cicero thought so, and with that view he was right in considering it the most politic course to yield to Cæsar on the point of the consulship. For, clothed with that venerable authority, and acting not as conqueror but as first minister of the Republic, he would hardly have ventured, perhaps not even have wished, to change the organic frame of the constitution. But although Cicero was in favor of concession, he had made up his mind to stand by Pompey, and support him, whatever he determined.

His letters to Atticus, written on his journey from Brundusium, give a lively picture of the anxiety of his mind. He said, —

"Since, however, things have come to such a pass, I will not ask, as you write, quoting the words of Homer, 'Where is the ship of the Atridæ?' That shall be my ship where Pompey holds the helm. As to what will happen when, as you say, I am called upon, 'Speak, Marc Tully!' I will answer shortly, 'I agree with Cnæus Pompey.' Privately, however, I will urge him to peaceful counsels. For my opinion is that we run the greatest hazard. You who are in the city know more than I do. However, I see this plainly, that we have to do with a man full of audacity and thoroughly prepared; that on his side are all who have been con-

victed of crimes or branded with infamy—and all who deserve conviction and infamy—nearly all the youth of Rome—all the low rabble of the city—the powerful tribunes, with the addition of Quintus Cassius—all who are oppressed with debt, who I understand are more numerous than I had imagined. All that his cause wants is a (just) cause: it abounds in everything else."

It is characteristic of the man that in the letter full of these gloomy forebodings Cicero is tempted to discuss a point of literary criticism. He had in writing to Atticus used the expression *in Piræa*, when he mentioned his arrival at Athens. Atticus found fault with this, and said it ought to be *Piræum*, without the preposition "*in*." Cicero admitted that *Piræum* was more correct than *Piræa*, but defended himself for using the preposition on the ground that Piræus was not a town but a place; and he quoted Terence as an authority in his favor, whose plays, he said, on account of the elegance of their Latinity, were ascribed to Lælius In another letter he made unconsciously a good hexameter verse—*flavit ab Epiro lenissimus Onchesmites*—which he said, jokingly, Atticus might palm off, if he liked, as his own upon the juveniles. At this critical juncture we find that he was still under pecuniary obligations to Cæsar, from which it appears that the debt which he was anxious to pay off when he left Italy to assume the government of Cilicia had not yet been discharged. He felt how awkward, or, to use his own expression, anomalous it was to be the debtor of a political opponent; and yet it was very inconvenient to him to pay the money just then, as he wanted it for the expenses of his triumph, upon which he was more than ever bent, as he had just heard that the

Senate had decreed a public thanksgiving in honor of Bibulus, whose military exploits he held in great contempt. He told Atticus that he would borrow enough from Cœlius to discharge the debt, for it would not do to remain under the obligation; and he put the imaginary case of his making a grand speech against Cæsar in the Senate, and then finding somebody whispering in his ear, as he went out of the house, "Pray take care to pay your debt."

In another letter, after reviewing, in a spirit of bitterness, the events of the last few years, which had led to the present difficulty, he said, "'What,' you ask me, 'do you propose to do?' The same as different kinds of cattle, which, when driven away, keep together in their own herds. As the ox follows the herd, so will I follow honest men, or at all events who are reputed such, even if they rush on to destruction." In one respect, however, he mistook the character of Cæsar, and the event completely falsified his prediction; for he said, "All know perfectly well that if the good cause is beaten, he, that is Cæsar, will, in putting to death the leaders of the aristocracy, not be more merciful than Cinna, nor in plundering the wealthy more moderate than Sylla. I am giving you a long diatribe on politics, and would make it longer, only my lamp is going out. The upshot is this: 'Speak, Marc Tully.' 'I agree with Cnæus Pompey,—that is,' he added, half in jest, 'with Titus Pomponius.'" In another passage he said it was uncertain whether Cæsar would play the part of Phalaris or Pisistratus. In the last letter he wrote before reaching Rome he ended it with the words, "I am tormented night and day;" and this in fact

is the best description of his state of mind during the whole of the conflict that might now be said to have actually begun.

The consuls of the new year, B. C. 49, were another of the family of Marcelli, Caius Claudius Marcellus, a brother of Marcus who was consul the year but one previously, and L. Cornelius Lentulus. The first business they had to bring before the Senate was the important question whether a letter should be read which Curio had just brought to Rome from Cæsar, and which he had placed in the hands of the consuls. After a warm debate, the tribunes who insisted that it should be read carried their point, and the Senate listened to the terms that the great soldier proposed. They were briefly these: he offered to lay down his military command, if Pompey would do the same; but added the ominous threat, that, if this condition were not complied with, he would not be wanting to himself and his country. An animated discussion followed. Lentulus the consul advocated bold measures, and said that in that case the State might rely upon him; but if they truckled to Cæsar, as they had done before, he would take care of himself and disregard the authority of the Senate! Strange language this from the first magistrate of the Republic. Metellus Scipio, Pompey's father-in-law, spoke to the same effect, and declared that Pompey would defend the Republic if the Senate would follow him; but that if they hesitated now, and did not show firmness, they would implore his aid in vain when they wanted it. He concluded by proposing that Cæsar should be ordered to disband his army by a certain day, and if

he refused to comply, that he should be declared an enemy of the Republic. Marcus Marcellus had the sense to see that if they set Cæsar at defiance they ought to be prepared beforehand; and he advised the Senate to come to no decision until they had raised an army by a levy *en masse* in Italy. The newly elected tribunes, Marc Antony and Q. Cassius, interposed their veto to prevent Scipio's motion from being carried; and the question was adjourned. The Senate met again outside the walls, and Pompey there joined them. There was another violent debate, and in the result a resolution was passed equivalent to what we should call a proclamation of martial law. The consuls, prætors, and tribunes of the people were to see that the Republic suffered no harm. The tribunes, Antony and Cassius, immediately quitted Rome and fled to Cæsar. This happened on the sixth of January.

Cicero calls Cæsar's letter "threatening and bitter." He himself, in his *Bellum Civile*, describes it as a "very gentle demand." There can be no doubt that the demand was illegal and unconstitutional. Pompey held his province and his army under the authority of law, and Cæsar had no right to dictate the terms on which alone he would obey the order of the Senate. In doing so he was as much guilty of an act of usurpation as Napoleon Bonaparte when he returned from Egypt, and forcibly dissolved the Council of Five Hundred in the Orangery of St. Cloud.

Such was the state of affairs when Cicero reached the gates of Rome on the fourth of January. He was met outside the walls with every mark of honor

and respect. He would not enter the city then, for even at that awful moment his heart was set upon a triumph; and the Senate was ready to grant it, but Lentulus the consul put it off on the plea that he would bring forward the question when he had dispatched the urgent business he had on hand. Italy was divided into districts, and the coast of Campania was assigned to Cicero, that he might superintend the levies there, and see to its safety. The provinces were allotted as in ordinary times, and L. Domitius Ahenobarbus was declared proconsul of Gaul. Cæsar no longer hesitated. He addressed his soldiers in a spirited speech, and called upon them to protect their general against the designs of his enemies. They answered with a loud acclaiming shout that they were ready to follow him.[1]

Between Ravenna and Rimini, the ancient Ariminum, there are several small rivers, or rather streams, each of which has been claimed as the famous Rubicon. This was the boundary that separated, at that extremity, the province of Cisalpine Gaul from Italy; and no commander might cross it in arms without being guilty of treason to the Republic. The story, as told by Suetonius, is that Cæsar sent on the thirteenth legion, which was all the force he had at Ravenna, without declaring the object of their march; and then, the better to mask his purpose, himself attended a public entertainment, inspected the plan of a school of gladiators which he

1 According to Suetonius (*Cæsar*, 30), Cæsar quoted the lines of Euripides (*Phœnissæ*, 534, 535): —

> If I must be unjust, 'tis best to be so
> Playing for empire: just in all things else.

had intended to build, and in the evening appeared as usual at a crowded banquet. But after sunset he quietly went away in a carriage drawn by mules, and attended by a small escort, choosing the most private road he could find. He lost his way, and wandered about in the darkness on foot, until at daybreak he met with a guide, and at last came up with his soldiers, who were standing on the left or northern bank of the Rubicon. Here he stopped, and awe-struck for the moment at the magnitude of the step he was about to take, he turned to his followers and said, "We can even yet draw back, but if we cross that little bridge, everything must be decided by the sword." A portent reassured him. An apparition of gigantic size and superhuman beauty was suddenly seen seated not far distant from him, and playing on a flute, from which issued streams of aërial melody. Some shepherds who were there, and the pickets in advance, approached to listen to the music. Amongst them were some trumpeters, from one of whom the phantom snatched a bugle, and, blowing a loud blast, plunged into the river, which it crossed and disappeared. Then Cæsar exclaimed, "Let us go where the portents of heaven and the injustice of the enemy summon us. The die is cast." He pressed forward to the opposite bank, and stood on the sacred soil of Italy a traitor and a rebel.[1]

[1] A curious anecdote is told by Suetonius relative to what happened when Cæsar had crossed the river. He harangued his troops, and declared that, sooner than not satisfy the claims of those who stood by him, he would part with the gold ring which as a Roman knight he wore on his left hand. Suiting the action to the word, he drew the ring off his finger and the rude soldiery, who saw the gesture, but imperfectly heard what he said, were firmly convinced that he had promised to give each of them the rank and estate of a Roman knight.

Ariminum, which was a short distance beyond, and entirely defenceless, was immediately occupied by his troops, and there he paused.

All was consternation at Rome. There was a general rush to leave it; and the Consuls, the Senate, and Pompey set the example. He declared he would hold whoever stayed at Rome his enemy. Favonius tauntingly told him, "Now is the time to stamp on the ground for your legions." So hasty was their flight that no care was taken to remove the money in the public treasury, and thus the sinews of war were abandoned to fall a prey to Cæsar. Lentulus the consul did indeed attempt to carry off some of the money, but was alarmed by a report that the cavalry of Cæsar was at the gates, and hastily decamped without securing the prize. Bitter was the complaint at Rome that the city should be left without magistrates or Senate, and history records no more disgraceful a flight. Pompey talked of the example of Themistocles, who, when Xerxes was marching upon Athens, made the inhabitants quit the city, and crushed the invader afterwards at Salamis. But Cicero contrasted this with the conduct of Pericles in the Peloponnesian War, who brought the population of Attica within the walls, and, victoriously defending them, saved the State; and he quoted the precedent set by their own ancestors, who held the Capitol while the Gauls were masters of the rest of Rome. He was aghast at the audacity of Cæsar; and visions of confiscation and ruin floated across his brain. Was it Hannibal or a Roman general who had crossed the frontier, and made himself master of the towns of Italy? Rather

would he die a thousand times than ever meditate such a crime. Cæsar had, he cried, no longer a pretence for saying that he was acting constitutionally.[1] Everybody was puzzled to know what were Pompey's plans. He had in fact no plan, and never showed himself so weak and irresolute as now, when his only chance lay in energy and decision. Cicero did not venture to stay in the neighborhood of Rome. He slipped away one morning before daybreak, to escape, as he says, observation and comment, especially as since his return he was attended in public by lictors with laurelled fasces, which made him conspicuous. He went first to Formiæ, where he had an interview, on the twenty-third of January, with the consul Lentulus, — a man overwhelmed with debt, who had boasted that he would be dictator, and prove another Sylla. Cicero says he found nothing but terror and confusion. He wrote constantly to Atticus, who remained in Rome, and in a pitiable state of perplexity asked his advice as to what he ought to do. His wife and daughter were left behind, and he was anxious whether they ought to come away or stay in the city. But he was comforted on their account by the recollection that his son-in-law Dolabella had joined Cæsar; so that, as was often the case in the Wars of the Roses, the family interest was divided, and he need not fear for their personal safety, — unless indeed Cæsar gave the city up to plunder, which in one of the letters he wrote to them he hinted was possible. He advised them to be guided in their decision whether to go or stay according as other ladies of their own rank

[1] See *Ad Att.* VII. 11, 13.

acted. They soon afterwards joined him at his Formian villa; and the politics of his son-in-law Dolabella exposed him to some suspicion with his own party.

He saw from the first how utterly unequal Pompey was to the crisis, and he described their position as that of men who put to sea in a storm without a rudder. Their whole hope, he said, rested upon a man who was an invalid. Everything was done at hap-hazard, and contrary to his own judgment. "Shall I," he asked, "hesitate and go over to the other side, which has success with it? αἰδέομαι Τρῶας." The defection of Labienus, one of Cæsar's ablest lieutenants, from the cause of his general, and his junction with Pompey, put him for the time in spirits. It was like Moreau joining the camp of the Allies in 1813. But his whole correspondence at this period shows that he despaired of success on his own side, owing to the inconceivable folly and irresolution of Pompey, and the distracted counsels of the leaders of the party.

According to Cæsar's own account, Pompey wished to open a negotiation with him, and employed for that purpose a young man named Lucius Cæsar (the son of one of his lieutenants) and the prætor Roscius to urge him to agree to an amicable settlement of the quarrel. To these two therefore he delivered his *ultimatum*, and they brought it to Pompey and the consuls, who were at Theanum, on the twenty-fifth of January. It was briefly this: — Let both disband their armies, and Pompey go to his province in Spain; throughout Italy let arms be laid down; and let the Senate and people, in their

free and lawful assembly, assume the government as usual. Fairer terms than these cannot be imagined, if they meant all that they expressed; and at all events it was madness in Pompey and his friends not to close with them. The accounts given by Cicero and Cæsar slightly differ as to the purport of the answer. According to Cicero the terms were accepted, but it was made a condition that Cæsar should withdraw his troops from any towns he had occupied beyond the limits of his province. If he would do this, they would all return to Rome, and leave it to the Senate to adjust the dispute.[1] Cæsar, however, says that it was also made a condition that he should return to Gaul, in which case only Pompey would go to Spain; and he was told that, until they had security that he would fulfil his engagements, the levy of troops would be pressed on. At all events the negotiation led to nothing, and Cæsar at once advanced. His troops rapidly occupied the towns of Arretium, Pisaurum, Fanum, Ancona, and other places; and overran the Picenum (a territory corresponding to the modern Marches) and part of the Abruzzi. Cicero in the mean time had proceeded to Capua, where there were some fears lest a number of gladiators belonging to Cæsar might disturb order; but Pompey judiciously billetted them in pairs amongst the householders, and they were kept quiet.

[1] Cicero complained of the folly of Pompey in intrusting the drawing up of this important despatch, on which hinged the question of peace or war, and which was sure to be much criticized, to an incompetent person named Sestius, instead of writing it himself — *cum scriptor luculentus esset.* Accordingly he says he never read anything more Sestius-like. — *Ad Att.* VII. 17.

At Capua a council of war was held, at which Cicero and the consuls were present. All, with one exception, Favonius, were anxious that Cæsar should accept their terms, which in fact were his own, with the addition of the clause about withdrawing his garrisons. Even Cato agreed with the rest; and, to use Cicero's expression, he preferred servitude to war. He himself was a strong advocate for conciliation, declaring that he preferred an unjust peace to the most just war. His voice, like that of Falkland in our own Civil War, was continually crying "Peace! Peace!" But he spoke to men who were blinded by passion and deaf to reason;[1] and as long as there was any chance of averting war, he took care not to do any act which might compromise him with Cæsar. Trebatius wrote to him and begged him to return to Rome, telling him that he did so at Cæsar's request, and that nothing would gratify Cæsar more. To this Cicero, who was then at his Formian villa, replied that he was merely staying at his country-seat, and not engaged in levying soldiers, or indeed in any public business at all. In mentioning this to Atticus he added, "But if war breaks out I will not be wanting to my duty or my honor, when I have placed the boys (his son and nephew) in safety in Greece."

Leaving his family at the villa, he returned to Capua in a violent storm of rain. He there wrote to Atticus, and expressed himself in terms of the warmest indignation at the conduct of Cæsar in continuing hostile operations while negotiations were pending. He called him an abandoned robber; but

[1] Unicè cavente Cicerone concordiæ publicæ. —*Vell. Pat.* II 48.

at the same time he bitterly complained of the inertness of Pompey, who seemed quite prostrated, and was allowing them all to drift into war without chart or compass. He still cherished the hope that Cæsar would accede to the terms they proposed, and intended in that case to go with Pompey into Spain. He was annoyed at the conduct of Dionysius, the tutor of the two young Ciceros, for he expected that he would have followed them, but instead of that he remained in Rome. But, said Cicero, it was useless to expect much from a Greek.[1] He seems to have wished to borrow some money from him, for he tells Atticus that Dionysius did at last come to him when he was at his Formian villa, and made excuses that he did not know where his cash was, and could not get others to pay their debts. He also intimated his desire not to continue in Cicero's family, who thereupon dismissed him — sorry, he says, to lose him as a tutor, but glad to part with him on account of his ingratitude. It is curious to see how he allowed his feelings to overpower his judgment and betray him into inconsistency. He had always formerly spoken of Dionysius in high terms, and praised him as a tutor. He now called him a chatterer and a scamp, and declared that he was by no means a good instructor, although he admitted that he possessed a capital memory. In fact, he was excessively angry with him, and said that when he asked him to come

[1] In one respect these old Romans had not much to pride themselves upon by way of contrast. They were perpetually getting into debt. In the same letter in which Cicero complains of Dionysius he mentions that Quintus was annoyed at being asked by Atticus to discharge a debt he owed him, for just then it was impossible to borrow or raise the money, and he had none with him.

to him he sent him a flat and rude refusal.[1] Cicero then undertook the education of his son and nephew himself. He left Capua on the seventh of February, and went to Cales (the modern Calvi), a town in Campania, through which the Via Latina passed, from which place he wrote to Atticus, giving a deplorable account of Pompey's weakness and the melancholy state of affairs. The recruiting officers were so frightened at the idea of Cæsar's approach that they did not dare to show their faces, and the levy was in fact stopped. Pompey ordered the consuls to go to Rome, and take the money out of the Treasury. It is not easy to see what authority he had to impose commands on these high magistrates, except that he was looked upon as a kind of dictator; but at all events Lentulus wrote back a sarcastic answer, and told *him* to go first into the Picenum. He knew that this was more easily said than done, for Cæsar was already there. Cicero was distracted. He predicted that Cæsar would soon be in Apulia, and Pompey would take to shipboard; and so it happened. In the mean time he went back to his Formian villa, and there received letters from Rome, which gave rather a cheering account of the prospects of his party. But he was not to be deceived. He said, "I fear they are all dreams;" although Lepidus, Torquatus, and Cassius, who were with him, took a less gloomy view. The idea that Pompey was flying, and Cæsar in pursuit, was intolerable to him. "Why don't we," he cried, in the agony of despair, "place our bodies before him and save his life? But what

[1] He must not be confounded with a slave of Cicero named Dionysius, who a year or two afterwards pilfered some books from his library, and fled from Italy into Greece

can we do? We are vanquished, crushed, captured." Even now he clung to Pompey with a fidelity which is only explicable on the theory that he thoroughly believed his cause was just; and he still loved the man, notwithstanding the painful conviction that was forced upon him that he was imbecile as a leader. At this very time he declared that he would willingly die for him;[1] and he repeated this in another letter, in which, notwithstanding, he said that no baser act was ever done by a statesman than that by Pompey in abandoning Rome. He was, however, not sorry to hear that Cæsar, so far from being displeased, was gratified at his conduct, — "an impression," he said, "which I gladly allow him to entertain, provided that I keep my honor untarnished as heretofore."

It does not fall within the scope of this work to describe the events of the war farther than as they affected the fortunes of Cicero, and I will therefore give only a rapid summary of them. Domitius, the newly appointed proconsul of Gaul, had thrown himself into Corfinium, in the territory now called the Abruzzi, and held it with a considerable force of hastily collected levies. We can well imagine that Cæsar was not sorry to have an opportunity of punishing the presumption of the man who ventured to assume a government which he himself had not vacated. He marched upon the town and invested it. The soldiers who were in the neighborhood deserted to his standard and swelled the ranks of his army. Domitius sent pressing letters to Pompey for assistance; but received from him the cold-hearted reply

[1] Pro quo emori cum pie possum, tum lubenter. — *Ad Att.* VII. 23. *Id.* VIII. 2.

that it was not by his advice or wish that Corfinium had been occupied, and that the best thing Domitius could do was to join him with his whole force. One reason he assigned for this was, that he could not trust his own troops, so as to hazard everything on the chances of a battle, and Cæsar's army was larger than his own; and in fairness we must remember that the only regular forces which Pompey had were the two legions detached from Cæsar's army, and well might he distrust them. It was like employing the veterans of Marengo and Austerlitz to oppose the march of Napoleon from Frejus to Paris in 1815. The result was that Domitius tried privately to escape, but was stopped by his soldiers, and they surrendered the place to Cæsar. This was fatal to Pompey, and virtually decided the campaign in Italy. More than thirty cohorts that garrisoned the place fell into the hands of the conqueror, who gained still more by the generous use he made of his success. A great number of senators and knights, and magistrates of the Italian towns, had taken refuge in Corfinium, and these were his prisoners; but he treated them kindly, protected them from insult, and allowed them to depart unharmed, declaring that he had marched out of Cisalpine Gaul to defend himself against his enemies, to restore the tribunes to their authority, and to give freedom to the Roman people who were oppressed by factions.

Pompey now hurried to Brundusium, the port from which he could most easily escape, and Cæsar followed close upon him. Cicero called him a prodigy of vigilance and rapidity, and this was one great cause of his success. He fairly confounded his ad-

versaries by the lightning celerity of his movements. Before this, Pompey had written to Cicero to come to Luceria, a town in Apulia, telling him he could be nowhere more safe. Cicero wrote to Atticus, and informed him that he had sent back the spirited answer that he did not care about his safety, but that he would go there if it was in the interest of Pompey or the Republic. We possess, however, the letter which he wrote to Pompey, and we do not find these words there. Atticus advised him not to abandon the seaboard of Campania, if he wished to secure supplies for his troops. Cicero saw plainly that the intention was flight — disgraceful and calamitous flight, as he did not scruple to call it. His mind was in a painful state of perplexity. At one moment he was resolved to sacrifice everything for Pompey, whom he thought it base to desert in his adversity; at another he wavered, and contemplated the idea of going back to Rome. But a strange obstacle deterred him. Even now he had not given up his hopes of a triumph, and he was still attended by his lictors, whom however he calls, as he well might, most troublesome companions; and he describes the *fasces* as laurel fetters. He could not enter the city with them unless a triumph was accorded to him; and he could not bear to dismiss them, and thus abandon his long-cherished dream, idle and silly as it was at such a moment. If it were not the duty of a biographer to state the truth, and in the portrait he draws endeavor to give a faithful copy of the original, it would be far more agreeable not to unveil the weakness which Cicero displayed in this great emergency of his life. The one thing lacking in his character

was decision. If there had been more of iron in his nature he would have been not only, as he was, the first orator, but the first statesman of his time. At this crisis no one saw more clearly than he did that there were only two courses to pursue. Either Cæsar's terms must be complied with, — and he was ready to make the concession to avoid a civil war, — or the most energetic resistance must be offered, and every sinew strained to meet him on equal terms in the field of battle. But never was a great cause so miserably lost as now. There is only one word to express our opinion, aye, and Cicero's opinion, of Pompey's conduct. It was simply contemptible. But thus much must be said for Cicero. He believed the cause to be right, and he therefore clung to it. If he had consulted only his own ease and safety, he would not have hesitated a moment between the camp of Cæsar and the camp of Pompey. He foresaw that victory would be chained to the eagles of the one, and forsake the standard of the other; but he deliberately chose the losing side, because he believed it to be the side of his country. We may think that he struggled for an object which was not worth preserving, but we cannot impugn his patriotism or the purity of his motives. If he had been a less conscientious, he would have been a bolder, or at all events a more consistent man.

He set out to join Pompey at Luceria, but, hearing that Cæsar was in the neighborhood, turned back and retired to his Formian villa, where he stayed some time, uncertain where to go or what to do. He had a vessel ready for him at Caieta on the west coast, and another at Brundusium on the east, in

case he wished to embark at either port. In the mean time he kept up an active correspondence with Atticus, but it would only weary the reader to pursue it in detail. It reflected all the hopes and fears and passing rumors of the moment, and it will be sufficient to notice a few points of interest. By far the most important service conferred by these letters on history is the insight we gain into the designs of Pompey, and the estimate we are thereby able to form of his pretensions to patriotism. Cicero distinctly charges him with a longing desire to imitate the tyranny of Sylla. The words, he says, were constantly on his lips, "Sylla could do it; why cannot I?" He says, moreover, that his plan was to expose Rome and Italy to the torments of famine; and declares that he himself was present at a discussion where it was proposed to starve the country into submission by cutting off all the supplies from abroad. He enumerates fifteen naval stations — Alexandria, Colchis, Tyre, Sidon, Aradus, Cyprus, Pamphylia, Lycia, Rhodes, Chios, Byzantium, Lesbos, Smyrna, Miletus, and Coos — where ships were to be collected for the purpose of closing the ports of the corn-producing provinces, and preventing the export of provisions into Italy. Besides this he intended, when he landed there on his return, if victorious, to lay waste the country with fire and sword, and confiscate the property of the rich. He promised to his soldiers that his largess to them should be more bountiful than Cæsar's, and pointed to plunder as the means of fulfilling that promise.[1] This, then, to use the indignant language of De Quincey, was

[1] For proof of these facts, see *Ad Att.* VIII. 11, 16; IX. 7, 9.

"the horrid retaliation which he meditated upon all Italy, by coming back with barbarous troops to make a wilderness of the opulent land, and upon Rome in particular, by so posting his blockading fleets and his cruisers as to intercept all supplies of corn from Sicily, from the province of Africa, and from Egypt." Cicero was horror-struck at the thought. "What!" he cried, in an agony of shame, "could I, whom some have called the savior — the father of Rome, bear to lead against her the barbarian hordes of Getæ, Armenians and Colchians, and bring destruction upon Italy?" He called to mind the examples of antiquity, — the impious acts of Tarquinius, who brought Porsena and Octavius Mamilius against his country, — of Coriolanus, who invoked the aid of the Volscians, — of Hippias the son of Pisistratus, who fell at Marathon fighting against his fatherland; and he contrasted these with the noble conduct of Themistocles, who preferred to die rather than be a traitor. Sylla, Marius, and Cinna, might perhaps, he said, have had right and law on their side; but what was more cruel, more fatal than their victory? How then was it possible for Cicero to continue to follow the fortunes of a man of whose real character he had just had such a revelation? He confessed that the object of Pompey and of Cæsar was the same — the possession of power — and neither cared for the happiness of his country.[1] He found that the idol of his affections was not merely deficient in all the qualities of a statesman, but had not even military

1 Dominatio quæsita ab utroque est: non id actum, beata et honesta civitas ut esset . . . sed neutri σκοπὸς est ille, ut nos beati simus: utercue regnare vult. — *Ad Att.* VIII. 11.

capacity. The astounding truth was forced upon him that Pompey was no general. He had been victorious formerly in Spain, he had swept the Mediterranean of pirates, he had conquered Mithridates, and upon the fame of these achievements his reputation as a soldier had become colossal. But now he was flying from Cæsar like a frightened hare. He had left Rome to its fate, made no attempt to relieve Corfinium, abandoned Picenum and Campania, and was bent only upon a successful escape by sea from Brundusium. The disenchantment was complete; and Cicero, in the most explicit manner, admits this in his confidential correspondence with Atticus. Take one passage as a sample. He says, —

"You remind me, with approval, that I once said I would rather be vanquished with Pompey than victorious with the other side. Well, I would rather; but with that Pompey as he then was, or as he seemed to me to be: not with *this*, who flies before he knows whom he is flying from, or whither, — who has betrayed our cause, has abandoned his country, and is now abandoning Italy."[1]

The question therefore irresistibly occurs, why did he still cling to a man whose success he saw would be fraught with such unspeakable calamity to his country?[2] It is useless to speculate on reasons when we have that which he himself assigns, and thought sufficient. "I think," he said, "that he has deserved so well of me that I dare not incur the crime of ingratitude."[3] And in another passage I call to mind his kindnesses, I call to mind also

[1] *Ad Att.* VIII. 7.

[2] Conjungoque me cum homine magis ad vastandam Italiam quam ad tuendum parato. — *Ad Att.* VIII. 16.

[3] Sed ita meruisse illum de me puto, ut ἀχαριστίας crimen subire non audeam. — *Ad Att.* IX. 7; see also IX. 2

his position. . . . I think his services to me deserve the price of my life."[1] This was all. Cicero felt himself so bound by the ties of gratitude to Pompey that he was ready to follow him to the death; and he meant this literally, for he was no coward, in the vulgar sense of the term. He quoted that fine line of Euripides, —

> Τίς δ' ἔστι δοῦλος τοῦ θανεῖν ἄφροντις ὤν;
> No slave is he whom Death doth not affright.

And the closing scene of his life showed that this was no idle boast. But he enormously exaggerated the obligations he was under to Pompey. When he spoke of his services to himself, he referred to his exertions in recalling him from banishment. It is one of the most amiable traits in his character that he was more sensible of a kindness than a wrong.[2] He forgot the injury, and remembered only the reparation; otherwise he might have resented the coldness with which Pompey had treated him in his hour of adversity, and his abandonment by the man for whom he was now ready to sacrifice everything. Atticus reminded him of this, and he admitted it himself. "True it is," he said, "that Pompey gave me no assistance when it was in his power to do so, although afterwards he showed me great friendship, — why, I know not." But he purposely exaggerated the obligation that he might not appear to remember the injury. It was now not the cause, but the individual that attracted him. The point of view from

1 Beneficia ejusdem cogito; cogito etiam dignitatem. . . . Ego vero hæc officia mercanda vita puto. — *Ad Att.* IX. 5.

2 Plus apud me valere beneficii gratiam, quam injuriæ dolorem, volo. — *Ad Att.* IX. 9.

which he had at first regarded the contest was changing. He hardly deluded himself any longer with the idea that the side of Pompey was the side of the constitution; and he declared that he would not, if he could, assist him in the pestilent war he intended to carry on. When he was told that the *optimates* found fault with him, he asked in scorn, "What *optimates?* Just Heaven!" There was not a leading man amongst them, except perhaps Cato, whom he respected, — scarcely one whom he did not speak of with contempt. The consuls he compared to a leaf or a feather; Domitius was a fool; and Appius Claudius fickleness itself.

But what in the mean time was the feeling of the population of Italy on the question at issue, while the tramp of contending legions was heavy on the soil? We know, on the authority of Cicero, that it was apathy and indifference. He conversed with numbers of the townspeople and peasantry, and found that they cared for nothing but the safety of their property; but as regarded the rival leaders, the contrast in their actions had produced a complete revulsion in the minds of the people. They had formerly had confidence in Pompey; they now feared him: they had formerly feared Cæsar; they now liked him. And this, he says, was brought about by the blunders and faults of his own party. They reverenced Cæsar as a god; and that too, he adds, without the hypocrisy which made them offer up vows for Pompey's recovery when he was ill; and if it was said, "Aye! they are afraid," his answer was, "Yes! afraid of Pompey." They feared his pas-

sionate resentment, and were won by the politic (Cicero calls it insidious) clemency of Cæsar.

At this juncture his state of mind was exactly that of the man described by the poet, —

> "Whose bauldest thought was but a hankering swither
> Whether to rin or stay."

Pompey had fled to Brundusium at the end of February, and was rapidly followed by Cæsar, who invested the place so closely by land as to cut off all communication on that side. Cicero's distraction in the mean time assumed almost the form of insanity. His inconsistency amounted to incoherence. In one and the same breath he upbraided Pompey in language of passionate reproach, and upbraided himself for appearing to desert him.

"I have been," he cried, "a fool from the beginning, and I am constantly tormented because I have not followed Pompey like a private in the ranks, failing as he is in everything, or rather rushing on destruction. I saw him on the nineteenth of January terror-stricken. On that very day I saw what he was about. He has never pleased me since, and he has never ceased to commit blunder after blunder. In the mean time he never wrote to me — never meditated anything but flight. As in love-affairs women who are dirty, stupid, and ugly revolt us, so the baseness of his flight and his neglect turned me away from love. For he has done nothing which justified me in becoming the companion of his flight. Now my love for him arises — now I cannot resist the longing I feel after him — now books, literature, and studies avail me nothing. Day and night, like a sea-bird gazing on the ocean, I wish to flee away."

If the object of all this idolatry had been more worthy of his affection, we might pity but yet admire him. We can sympathize with the feelings of the man

> Who doubts yet doats, suspects yet strongly loves;

and even as it is, the desperate fidelity with which Cicero clung to Pompey in his fallen fortunes deserves our respect. We have seen what was his own statement of the case. His judgment and his feelings were at war; his heart was at variance with his head. The conflict was too much for him, and he constantly admits his inconsistency. To Atticus the friend of his soul, he did not scruple to confess that he often veered and changed in his views. Battling with himself, and torn with doubt, he was unable to see clearly which was the right course to take. But what do we say that he ought to have done? I think that when he discovered the iniquity of Pompey's plans, — when he had satisfied himself that vengeance had triumphed over patriotism, and that to lay waste fair Italy with fire and sword was the object which Pompey had in view, — it was his clear duty to leave him to his fate. The dignified course then would have been to observe a strict neutrality while the war raged, — and he did seriously contemplate the idea of retiring to Malta, — but at its close to have come forward and endeavored to obtain for his country the best terms she could make with the conqueror.

And all that Cæsar asked from him was neutrality. Dissembling his real feelings, he professed to be gratified at Cicero's conduct, and on his way to Brundusium wrote a few hasty lines to thank him. He begged him to meet him at Rome, where he hoped soon to be, and where he wished to avail himself of Cicero's advice and influence. Balbus and Oppius, who were at Rome, both wrote to him, urging him to remain neutral. They told him that Cæsar

felt that he could not ask him to bear arms against Pompey, to whom he was, or at all events imagined he was, under so much obligation; and that he would be abundantly satisfied if he took no part in the war, and did not side with his enemies. Cæsar declared himself anxious to be reconciled with Pompey, and in a letter he wrote to Balbus and Oppius expressed his determination to make a gentle use of victory "Let me thus," he said, "endeavor, if I can, to win back the hearts of all, and enjoy a lasting victory; for other conquerors have by their cruelties been unable to escape odium and keep success long, with the single exception of Sylla, whom I do not intend to imitate."

These were noble words, and the subsequent conduct of Cæsar showed that he was sincere. The galling part of the letter was the determination it showed that he would be master, and this Pompey could not brook. In his reply to the letter addressed to himself, Cicero said that he hoped Cæsar's meaning was he wished to employ him as a peacemaker, and, if so, he was ready to undertake the office, for which he thought no one was better qualified, as he had always been the advocate of peace, and had taken no part in the war; and he made the important admission that he considered the war against Cæsar unjust, because it was an attempt to deprive him of a command conferred upon him by the Roman people. We must not, however, suppose that this was his real opinion. Over and over again, in his confidential correspondence with Atticus, he had said the direct contrary; but his object was to ingratiate himself as much as possible with Cæsar, and he little

thought that his letters, written in all the privacy of friendship, would be published, and the inmost workings of his soul laid bare to the prying curiosity of the world. His urgent request was that Cæsar would take into account his relations with Pompey, and allow him, without offence, to acquit himself towards him as gratitude demanded. He had, he said, for some years past courted the friendship of them both, and towards both had still the same kindly feeling.

To while away the time and distract his thoughts, he amused himself with the discussion of certain political problems, or theses, as he calls them, such, for instance, as — Ought we to stay in our native country when oppressed by a despot? May we resort to any means to get rid of a tyranny? Should the conspirator against it regard his own safety? And so forth; — a dozen of which may be seen stated by him in Greek in one of his letters to Atticus. It was a sad reverse of fortune for him to be reduced to the occupation of writing themes like a schoolboy at his country-house, instead of pouring forth the thunders of his eloquence at Rome in the Forum or the Senate. Atticus had steadily advised him not to leave Italy, and the advice of this sagacious friend had always great influence with him. In the mental struggle which almost drove him frantic, it is consolatory to find that his chief anxiety still was to do what was right. The only thing he really feared was dishonor. The phantom that scared him was the dread of disgrace, the *αἰσχροῦ φαντασία*, as he calls it. For the sake of this we may forgive him much.

On the seventeenth of March Pompey embarked on board a vessel, and abandoned Brundusium and Italy forever. Cæsar entered the town on the following day, but was not able to follow the fugitive even if he had wished, as he had no means of transport. He therefore soon left the place to march upon Rome, which was waiting in trembling submission to receive her master. On the twenty-seventh he was at Sinuessa (*Rocca di Mandragone*), and the day before sent Cicero a short letter in answer to one from him in which he had praised his clemency at Corfinium. Cæsar said that he did not repent of the mercy he had shown, although he heard that those whom he had released had gone abroad to engage in war against him. In almost the identical terms of his former letter he begged Cicero to meet him at Rome, and expressed the satisfaction he felt at the conduct of his son-in-law Dolabella. On the twenty-eighth he reached Formiæ, and there he and Cicero met. We have an account of this dreaded interview in a letter to Atticus, the style of which is more than usually abrupt. It is clear that the bearing of the formidable soldier offended him, and he found him much less yielding and courteous than he expected. We may give the conversation in the form of a dialogue, keeping strictly to Cicero's own words. He declared that he would not go to Rome.

Cæsar. This will be regarded as a censure on myself, and others will be more reluctant to come in if you stay away.

Cicero. Their case is different from mine.

Cæsar. Well! then come to treat of peace.

Cicero. At my discretion, do you mean?

Cæsar. You don't think that I am going to dictate to you?

Cicero. If I undertake the task, I shall propose that the Senate

disapprove of your going into Spain, and carrying your army into Greece; and I shall express much sympathy for Pompey.

Cæsar. I want nothing of the kind to be said.

Cicero. So I thought; and on that very account I do not wish to go, because I either must say this, and much more that I cannot be silent about, or not go at all.

Cæsar then said that if he could not have the benefit of Cicero's counsel in the Senate, he would resort to others, and advised him to think the matter over. "Certainly," answered Cicero; and so they parted.

He told Atticus that he was quite satisfied with his own conduct at this interview, which was more than he had been able to say for a long time. But we may be permitted to doubt whether the account he gives of the conversation, which I have faithfully translated, is quite correct. From the character of the man it is probable that he was much more obsequious than he would have Atticus suppose; and it would be curious to read Cæsar's own version of what passed if it had come down to us. There is, however, no doubt that he was firm in his determination not to go to Rome. "How could I," he asked in a subsequent letter, "sit in the Senate alongside of Gabinius?"[1] And the retinue of Cæsar disgusted him. He felt towards them much as the courtiers of the old French monarchy felt towards the upstarts of the Revolution. He saw amongst them faces known to him indeed, but which he had never expected to see encircling Cæsar; and he said that there was not a rascal in Italy who had not joined his standard.

The conduct of young Quintus, his nephew, caused Cicero just then much grief. It will be

[1] Gabinius was recalled from banishment by Cæsar.

remembered that his uncle said that he required the bridle and his cousin the spur; but he had been spoiled by his father's indulgence, which undid all the good effect of Cicero's stricter discipline. His character wanted straightforwardness and sincerity, and there was great difficulty in managing him; but he had behaved kindly and affectionately in the quarrels of his parents, and it was through his interference chiefly that a divorce between them had not taken place; and perhaps the act which now gave so much offence to his uncle proceeded from a good motive. He wrote to Cæsar and told him that his father and uncle intended to leave Italy; and having, on some pretext or other, gone to Rome, he had an interview with Cæsar on the same subject. Cicero and his father regarded this as an act of base treachery, but really it may have been done out of affection for them both, as the only means the young man had of keeping them at home, which he may have thought was the best thing for them. Cicero at first thought that he wished to endanger the safety of them both by exciting Cæsar's anger; but he afterwards acquitted him of this wickedness, and said that avarice was at the bottom of his conduct: he was in hopes of getting a reward for his information. Cicero begged Atticus to believe that this was not from any fault in his education, but his own natural propensity to evil.

From his villa at Arpinum he went to stay a few days with his brother in the country, and then betook himself to his own Cuman villa, where he remained nearly a month. He continued his correspondence with Atticus, but it is the same old story. Curio had

been appointed by Cæsar proprætor of Sicily, and on his way thither paid Cicero a flying visit, attended, to his surprise, by six lictors with laurelled fasces, which was quite unusual, as these implied that he had gained some victory and claimed a triumph. Curio, however, soon explained it by saying that Cæsar had given them by his own authority; for he was angry with the Senate, and considered himself now the fountain of honor. This was significant of what was coming. Cœlius, who was on the point of setting off to follow Cæsar into Spain, wrote to Cicero an affectionate letter, entreating him in the most pressing terms to consult his own safety by joining Cæsar, or at all events take no rash step in following Pompey's ruined fortunes until they returned from Spain. He warned him that by-and-by Cæsar would not show the same gentleness to his enemies as he had shown hitherto; for he was angry, and his language was threatening. He advised him, if he would not join them now, to go and stay in some quiet town until the war was over, and he assured him that if he did so Cæsar would not be offended. Cæsar himself also wrote to him, and told him that he excused his not coming to Rome, but that others complained that they did not receive the same indulgence from him as Cicero. They, however, were men whose sons were with Cæsar's army that invested Brundusium, and Cicero ridiculed the idea of their having any scruples about taking their seats in the Senate. He repeated to Atticus his conviction that both the leaders were fighting for sole power, and that if Pompey conquered he would use his victory like Sylla. Still he insisted that he must avoid the charge

of ingratitude towards him, and talked of retiring to Malta, or some other similar place. He wrote to Cœlius, in answer to a letter from him, that he would gladly hide his head in any corner of Italy were it not for the troublesome pomp of his lictors, and the name of *Imperator* which he bore. As to the designs imputed to him of being about to go across the sea, he expressed himself with caution, but emphatically protested that he would take no part in civil war. He was not, he said, alarmed by the dark hints which Cœlius threw out of possible injury to himself, for he must bear his part in the general calamity. If the Republic continued to exist at all, he would leave his son a sufficient patrimony in the inheritance of his name, and if it was destroyed, the young man would only share the common lot of all.

As time went on he became more and more resolved to leave Italy and follow Pompey. As long as there was a hope of an accommodation he said he had been unwilling to do so, for Cæsar would have been offended with *him* even if reconciled with Pompey; and he confessed to Atticus that he had no faith in the stability of Cæsar's power, if he were victorious. He had already made himself very unpopular at Rome, where the people seem to have hissed him in the theatre,[1] and his plunder of the treasury had disabused men's minds of the idea of his wealth. Cicero said he did not believe his "reign" would last six months. *He must fall either by the hand of his enemies* (how true was this prophecy!) *or by himself, for he was his own worst enemy;* "and this," he added, "*I hope I shall live to see*, although

[1] See *Ad Att.* X. 12.

it is time for me now to turn my thoughts to that eternal life of the hereafter, and not to the short life of the present."

Cæsar, who was on his way to Spain, wrote to him not to commit himself on the losing side, and to observe a strict neutrality between the contending parties. Antony, who was now one of the tribunes, had been appointed proprætor of Italy in his absence, and was making a sort of progress through the country with his mistress, a ballet-dancer named Cytheris, carried in a litter by his side, while his wife accompanied him. He wrote to him that he could not credit the rumor that he was about to cross the sea, against the wishes of his family and friends. "I assure you," he said, "that no one is dearer to me than you, Cæsar alone excepted; and I am certain that Cæsar ranks Cicero amongst his dearest friends." To this he replied that he was not unmindful of his family and friends; but as he did not like to go about in Italy attended by his lictors, he thought of embarking: he had, however, not made up his mind. This brought an answer from Antony in a very different tone. Cicero calls it a laconic despatch,[1] written under the influence of wine. Antony told him that it was his duty to see that no one quitted Italy, and he could not allow him to go. Those who were neutral stayed, and those who went took a side. If therefore he wished to leave, he must send and get leave from Cæsar, who he did not doubt would grant it. Cicero expected a visit from the great man, but

[1] *σκυτάλη Λακωνική*. This properly was a stick or roller round which the letter was wrapped to make it intelligible. It was used as a sort of cipher. The correspondent had a similar stick.

he passed on to Capua without stopping to see him, and then sent him a message to say that he had not called on him because he feared Cicero was angry with him.

He had now quite made up his mind to cross the sea, but being a miserable sailor was afraid of the voyage, as he would be obliged to embark in a small vessel or boat; and, although it was the month of May, declared it was a bad time of the year for sailing. He had a most unpleasant recollection of his passage in the Rhodian ship when he went from Athens to Asia Minor. Besides, the sea was closely guarded, by Cæsar's orders, to intercept fugitives, none of whom were allowed to sail without a passport or *diploma*, as it was called; and Cicero thought that he would have to hide himself on board some merchantman to escape the vigilance of the cruisers. His strong desire was that Cæsar should fail in Spain, but it was hoping against hope. Cato held Sicily, but Curio was on his way to drive him out of the island, and he left it at the end of April. In money matters Cicero was in some difficulty. He frequently alludes to the subject, both as regards himself and Quintus, both of whom seem to have been always too ready to resort to the expedient of borrowing, which was by no means easy in such troubled times. He left his Cuman villa before the middle of May, and went to his country-seat near Pompeii, in order the better to conceal his purpose of leaving Italy, while a ship was getting ready. Here Dionysius came to him and excused himself from accompanying him to Greece on the ground of private affairs. This pained Cicero, for he thought that

Dionysius was deserting him in adversity; and yet, after what had already passed between them, he could have expected nothing else. He had here an opportunity, if he pleased, of making a small diversion in favor of Pompey; for the centurions of three cohorts which were in Pompeii asked to have an interview with him, offering to give up the town to him and make him their captain. This, however, would have been a mad enterprise, even if Cicero had been the kind of man to undertake it. As it was, he suspected that it was a plan to entrap him, and he declined to see them or have anything to do with the scheme. For a long time he had suffered from an affection of the eyes which often prevented him from writing, and obliged him to employ an amanuensis. Atticus also was lying ill of fever and ague, which was of rather an obstinate character; but the two friends constantly corresponded, and hardly a day passed in which letters were not interchanged between them.

On the nineteenth of May his daughter Tullia gave birth, at his Pompeian villa, to a seven-months' son, a very weakly child which soon afterwards died. From this date until the eleventh of June there is a blank in his correspondence. On that day he embarked at Caieta, with his brother, his son, and his nephew, on board a vessel to sail to the opposite coast, and join Pompey. The last letter we have from him this year is one he wrote on that day, as soon as he got on board, to his wife and daughter whom he left behind. He had been for some time previously more than usually dejected, but was now in better spirits, which he attributed to the fact of his having thrown up a quantity of bile the night

before; and perhaps also the fact of taking the decisive step at last brought him some relief. Torn as his mind had been by doubt and perplexity, "letting 'I dare not' wait upon 'I would,'" he must have felt it better to decide wrong than not to decide at all. His letter is kind and affectionate. He says he would exhort them to fortitude if he did not know that they showed more of that quality than any of his own sex. He advised them to stay at such of his villas as were farthest away from the soldiers, and recommended them to remove their establishment of slaves to his farm near Arpinum. He hoped himself to be still able to defend the Republic.

Cæsar made himself master of Spain, and was declared dictator by a law proposed by the prætor Lepidus. He hastened back to Rome, where he stayed only eleven days; and after passing several measures — one of which provided that property should be valued by arbitrators as it stood before the outbreak of the Civil War, and that debts should be paid according to that valuation — he laid down the office of dictator, and hastened to Brundusium, where he had ordered his army to assemble. This was in December. He had means of transport for only seven legions, and with these he crossed over to the opposite coast, leaving the rest of his army to follow afterwards. He landed at a place called Palæste (*Palasa*) in Epirus, and stood face to face with his enemy, who had so long been preparing for the final struggle. It seems astonishing that Pompey did not take advantage of Cæsar's absence in Spain to try and recover Italy. So far as we can see, there was nothing to have prevented him from marching upon

Rome and occupying the capital, which would have placed Cæsar at a great disadvantage. There is no reason to suppose that he would not have been welcomed by the people, with whom, as we have seen, Cæsar had already become unpopular. Is it possible that he could have been afraid to measure swords with Antony, who governed Italy as proprætor? We are so entirely in the dark as to what passed in the councils of Pompey at this period, that we are driven to conjecture to suggest motives for the faint-hearted policy he pursued. He may have rested his hopes on his legions in Spain, and waited to see the issue of the contest there; but we can imagine no better diversion in his favor than for him to have crossed over from Epirus with all the troops he could muster, and, crushing the feeble force of Antony, seized possession of the defenceless capital.

Of the particulars of Cicero's arrival and reception in his camp we know almost nothing. We are told indeed by Plutarch that Cato upbraided him for his folly in coming to them. He perhaps felt that their cause was desperate, and did not wish to involve in its ruin a man like Cicero, whose ability and eloquence would give him influence when peace was restored, but who could be of no use in a struggle of which the sole arbiter was the sword. According to the same authority he was slighted by Pompey, and little attention was paid to his suggestions. That this is true we can readily believe. We know that while they were both in Italy, Cicero complained that he was not admitted to Pompey's confidence, and that everything was done contrary to his wishes and advice. He revenged himself by indulging his sar-

castic humor at the expense of his associates, which irritated Pompey, and must have made him many enemies in the army.[1] When he was reproached for coming late to the camp, he answered, "By no means late, for I find nothing ready here." On Pompey asking him, "Where is your son-in-law?" he retorted, "With your father-in-law." When Pompey promised the rights of citizenship to a Gaul who had deserted from Cæsar, Cicero said, "This is a pretty fellow to bestow the citizenship of a foreign country upon Gauls, when he cannot restore to us our own." On some one remarking after a defeat that they might cheer up, for there were still seven eagles left in Pompey's camp, he replied, "That would be good reason for encouragement if we were going to fight against jackdaws." No wonder then, that, as Macrobius tells us, Pompey exclaimed, "I wish Cicero would go over to Cæsar, in order to become afraid of us."

[1] There is no doubt that his caustic wit often gave offence, and Macrobius tells us that his enemies used to call him "the consular buffoon" — "consularem scurram." He adds that, when he defended men who were notoriously guilty, he sometimes got them off by his jests, and he mentions particularly the case of L. Flaccus, which Macrobius says became known to him by a book of jests collected by one Furius Bibaculus. See *Saturn.* II. c. I. II. His son-in-law Dolabella was of short stature, and once, when Cicero saw him with a long sword at his side, he asked, "Who has tied that little fellow to his sword?"

CHAPTER XIX.

DOMESTIC TROUBLES. — DIVORCE FROM TERENTIA. — DEATH OF TULLIA. — SECOND MARRIAGE.

ÆT. 59-62. B. C. 48-45.

THE renewal of Cicero's correspondence, as it has come down to us, begins with a letter to Atticus, dated from Epirus in February, B. C. 48. It relates entirely to the embarrassment of his affairs, caused in a great measure by the mismanagement or misconduct of his steward Philotimus; but almost immediately afterwards some property was left him by will which tended to relieve his anxiety on that account. Another cause of disquiet just now was the distressed condition of his daughter Tullia, owing to the extravagance of her husband Dolabella, who had spent the portion of her dowry which had already been paid, and Cicero was afraid that the rest would go in the same manner. Cœlius, who was prætor, wrote to him from Rome in a tone of great dissatisfaction with the state of things there. Indeed he used language which would have been treason if there had been a settled government at Rome, and which at all events was treachery. "You are all asleep. You do not seem to understand our weak points, nor how weak we are. What are you about yonder? Are you waiting for a pitched battle, which

is our best chance? I don't know what your forces are. Ours are accustomed to fight stubbornly, and bear cold and hunger easily." He heard also from his son-in-law Dolabella, who addressed him as "my dearest Cicero" (*mi jucundissime Cicero*), although a divorce between himself and Tullia was then imminent, and he pointed out the hopelessness of the cause he had embraced. He advised him, if Pompey was driven out of Epirus, and attempted to carry on the war elsewhere, to abandon him to his fate and retire to Athens, or some other quiet town, where he would join him if possible. We find three letters from Cicero to his wife at this period, inquiring kindly after her health, and in his usual tone towards her. This would not be worth mentioning were it not for the divorce which before very long took place between them, the cause of which is so obscure; and it is important to notice that up to this time they appear to have been on the best possible terms. We do not find the slightest trace of any quarrel between them, nor the faintest hint that Cicero had any cause to complain of her temper, which, on the sole authority of Plutarch, has been so generally assumed to be bad.

Although his affairs were by no means in a flourishing position, it appears that he was able at this time to lend a large sum of money to Pompey, chiefly, as he candidly confesses to Atticus, because he thought that if his side was successful such an act would redound to his credit. One of the most puzzling things to understand clearly is how, in the midst of apparent distress and difficulty, both he and Quintus were always able to find money. They had

no scruple in borrowing, but we do not know what security they had to offer. A short time before this, Cicero had received, from the agents of Atticus in Epirus, a sum of money and a supply of clothes; and he wrote and told him to borrow money in his name from his friends. He said they would probably require his seal or handwriting as a security, but Atticus was to tell them that for safety's sake he abstained from sending either.

His next letter to Atticus this year was written in July, just after a battle had been fought near Dyrrachium, in which Pompey was victorious. It was the last gleam of success that shone upon his standard. He had conducted the campaign in Epirus with vigor and ability, and more than once Cæsar was on the point of being crushed. A break now occurs in Cicero's correspondence until November. In the mean time the decisive battle of Pharsalia was fought, and Pompey fled to Egypt, to perish there by the sword of an assassin. Plutarch tells us that, when the news of Pompey's defeat at Pharsalia reached Dyrrachium, where Cato and Cicero both were with fifteen cohorts, besides a considerable fleet, Cato wished Cicero to take the office of commander-in-chief; and that on his refusal to assume a post for which he was so little fitted, young Pompey and his friends called him "traitor!" and drew their swords upon him. Cato however interposed, and with some difficulty rescued him and brought him out of the camp.

In November he returned to Italy, and landed at Brundusium. His wife immediately wrote to him, expressing her joy at his arrival, and offering to go

and meet him. He however dissuaded her from this, on the ground that the journey was long and unsafe and added — coldly, as we should think — that he did not see what good she could do if she did come. Atticus advised him to approach nearer Rome, and travel by night to avoid observation; but Cicero objected on account of the inconvenience of the inns or stopping-places in which, in that case, he would have to pass the daytime; and he gave what really seems a laughable reason for not going nearer to Rome. He was still attended by those unlucky lictors — an incubus which clung to him like the Old Man of the Sea on the neck of Sinbad the Sailor, and which he could not bring himself to shake off. The people, he said, had given them to him, and he could not part with them. When he entered Brundusium, however, being afraid that they might be attacked by the soldiers, he made them slip into the crowd that they might pass unobserved. He was ill both in body and mind. He was afraid that Cæsar might be angry at his coming to Italy without his permission; and, to increase his perplexity, Antony sent him a copy of a letter from Cæsar, forbidding any of Pompey's late adherents to return without his express sanction, and added that he had no option, but must obey the orders he had received. But Cicero, through the medium of a friend, informed Antony that Cæsar had directed Dolabella to write to him, and tell him he might come to Italy as soon as he pleased. Upon this Antony offered to except him and Cœlius by name under a special edict, but this Cicero declined. He was afraid that it would point him out too prominently as a deserter from the

side of Pompey; and he was not without an uneasy apprehension that possibly that side might prove victorious, in which case any special exception by Cæsar in his favor would expose him to the vengeance of his late associates. It seems, however, that the edict was promulgated contrary to his wish.[1] With his usual indecision, he repented the step he had taken in coming to Italy, and wished he had stayed away until he was formally summoned to return. He did not, however, at all repent that he had ceased to have anything to do with the war. His spirit revolted at the cruelties he had witnessed, and still more at the atrocious plans which Pompey had formed in case he was successful. He told Atticus that a proscription had been determined on not only against individuals, but whole classes, and the property of all Cæsar's adherents was to be confiscated. Atticus himself was included by name as one of the intended victims. He also could not bear the idea of having barbarous hordes as allies to fight against the legions of Rome. Still he feared lest by possibility the issue of the contest in Africa might be in favor of the side of Pompey. "And then," he cried despairingly to Atticus, "you see what will become of me. Aye! but you will say, 'What will become of *them* if they are beaten?' Their fate will be more honorable than mine." By this he meant that the other leaders would at all events fall fighting bravely to the last, whereas he would be branded as a deserter and an apostate. Such was the unhappy view he took of his own position, and he was constantly tormented by self-reproach.

[1] See *Ad Att.* XI. 9.

POMPEY THE GREAT.

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At the end of November he heard of the death of Pompey. He alludes to it in terms of less feeling than we should have expected, considering his devoted attachment to him. Perhaps the closer contact into which he had been brought with him in the camp, and his knowledge of the pitiless revenge he intended to take if victorious, had cooled the warmth of his friendship. He told Atticus that he had never doubted, after the battle of Pharsalia, what Pompey's end would be; for in the desperate state of his fortunes he had not a king nor a people on his side. "I cannot," he said, "but deplore his fate; for I knew him to be an upright, pure, and earnest man."

The health of his beloved daughter Tullia at this time caused him great uneasiness, and he wrote to his wife, saying that he well knew she was as much distressed as himself. Poor Tullia had a worthless husband, and was reduced almost to penury by his extravagance. Cicero earnestly besought Atticus to take care of her, and told him that he wrote with tears bursting from his eyes. To add to his sorrow, his brother Quintus had now quarrelled with him. They had parted at Patræ on bad terms, the exact cause of which is by no means clear; but it seems probable, from several passages in Cicero's correspondence, that Quintus imagined that his brother had tried to make his peace with Cæsar by throwing upon him the blame of the step he had taken in following Pompey to Epirus. Very likely Quintus had strongly advised him to leave Italy. At all events Quintus, who had sent his son to Cæsar to entreat his forgiveness, declared that he was opposed by Cicero's influence, and retorted by making him the

scapegoat of their joint offence. With the hasty and impulsive vehemence of his nature, he spoke in the harshest terms of his brother. The charge, however, was utterly untrue, and Cæsar himself refuted it. Nothing afflicted Cicero more than the alienation of a brother whom he had loved so warmly, and who had hitherto shown such affection towards himself.

> "Alas! they had been friends in youth;
> But whispering tongues can poison truth;
> And constancy dwells in realms above;
> And life is thorny, and youth is vain;
> And to be wroth with one we love
> Doth work like madness in the brain."

It so affected his health that for a time he took to his bed. It was, he said, incredible that it should have happened. Amidst all this unhappiness the year ended.

The new year, B. C. 47, opened without any consuls. Cæsar had been again created dictator, and Antony was his master of horse. This state of things lasted until Cæsar's return to Rome from Egypt, when he allowed Q. Fufius Calenus and P. Vatinius, whom he had recalled from banishment, to be elected consuls for the short remaining period of the year, but took care to have himself and M. Æmilius Lepidus nominated for the following year.

It is painful to read the letters in which Cicero gives vent to his feelings of self-reproach. As Abeken justly remarks, few men have exposed themselves so fully to hostile criticism, for few have had such a friend as Atticus to whom they have unburdened their hearts with such absolute unreserve. It was like thinking aloud. Every transient phase of

feeling is reflected in his letters as in a mirror. The half-formed plan, the sudden impulse, the hasty change, are all recorded — "graven in a rock forever"; — and by the publication of his private correspondence, which he could never have anticipated, the most secret thoughts of his soul have become known. In the whole history of literature, I know no case where friend has communicated with friend for a long series of years — nay, for a whole life — on terms of such absolute confidence as these two distinguished men. They realized the blessings of friendship in its most comprehensive sense; but Cicero pays the penalty of his frankness by having the whole world taken into his secrets. It is unfortunate that all the letters of Atticus are lost. So far as we can see, his judgment was sound; and Cicero hardly ever neglected his advice without seeing reason afterwards to repent his mistake. Atticus was a man of a cold and calm temperament, with a keen eye to his own interest; but he was just the kind of counsellor to guide in the path of prudence a man of such a warm and excitable disposition as Cicero. We may be very sure that not even Atticus would have had influence with him sufficient to make him do anything which he believed to be incompatible with his honor; but if he had listened to him more attentively, he would have steered a steadier course amidst the whirlpools and billows in which the ship of the Republic at last went down.

In the first letter written from Brundusium in January he said, "I am lost by my own fault. I owe no misfortune to chance. I have to blame myself for all the sorrows which have been brought upon

me." But he now declared that in following Pompey to Epirus he had yielded to the persuasion of his family, or rather obeyed their directions; and he specially named his brother Quintus as having instigated him to take that step. But it is due to him to mention that he was of too generous a nature to injure his brother by saying anything of the kind to Cæsar. He wrote to Cæsar, and earnestly absolved Quintus from having given any advice which could offend him, declaring that his brother had been rather the companion than the instigator of his flight; and he entreated him not to allow his own conduct to operate in any way to the disadvantage of his brother. This was before he had discovered the extent to which Quintus had wronged him, but when he did discover it he declared that this should make no difference in his endeavor to reconcile Cæsar to his brother.[1]

A despatch was brought to Cicero at Brundusium containing letters from his brother to Vatinius, Ligurius, and others. He sent on those addressed to Vatinius and Ligurius, who seem to have been in the neighborhood of the town. They immediately came to him and showed him their letters, which were full of bitter reproaches against himself. Upon this Cicero determined to see what the contents of the others were, excusing the act on the ground that it was for Quintus's interest not to allow such discreditable proceedings to spread further. He opened the letters, and having read them sent them to Atticus, that he might exercise his discretion whether he would forward them to their destination or not. He

[1] Ego tamen is ero qui semper fui. — *Ad Att.* XI. 12.

told him that, as Pomponia had her husband's seal they could be resealed by her, and then sent to their respective addresses. I have already noticed a previous instance of letter-opening by Cicero, and in neither case can the act be justified. What he ought to have done was to decline to forward the letters, if he suspected that they contained false accusations against himself, and he might have apprised Quintus of this; but on no account should he have read them. His nephew also behaved with great animosity towards him; and the young man showed a friend of Cicero at Ephesus a written speech which he had prepared, and intended to deliver in accusation of his uncle when he obtained an interview with Cæsar. So afraid was he of the effect which these calumnies might have on Cæsar's mind, that he looked forward to the possibility of a confiscation of his own and Terentia's property, and darkly hinted at suicide. The thought that Tullia would be left an orphan and in want was agonizing to him. In the language of passionate despair he exclaimed, "I write this on my birthday — a day on which would to God that I had never been born, or at all events that my mother had not afterwards borne another son!" These last words were wrung from him by the recollection of the conduct of his brother. But he felt by no means sure that Cæsar would ultimately become master of the Roman world. He heard that the republican party was strong in Africa, that Italy was disaffected, and Rome alienated from the conqueror. He even credited the rumor that his legions had begun to waver in their attachment to him. All this increased his perplexity, for he was

placed between two fires, and the success of either side might be fatal to himself.

He was, as might be expected, in pecuniary difficulties. He had sold or mortgaged a farm near Frusinum (*Frussilone*), retaining a right of redemption; but he was afraid that he would be unable to purchase it back again. He attributed his present embarrassment to the large sum he had lent to Pompey, and he had borrowed money from Atticus' bailiff in Epirus, and from other quarters, partly to supply the necessities of his brother. At this time another legacy, or "inheritance" in the Roman sense, was left to him by a person named Galeo; but the amount is not stated, only it appears to have been the whole of Galeo's property, or, as it was called, a *cretio simplex*.[1] He was anxious that his wife should make her will, and provide for the payment of the debts she owed; for it must be remembered that the Roman law differed from our own, and did not give the husband the absolute ownership of the wife's personal property. And here for the first time we have a hint that Cicero was dissatisfied with his wife's conduct in the management of her affairs, and perhaps of his own. He uses the strong expression that he had heard from Philotimus his steward that she was acting "wickedly," — a thing, he adds, which was scarcely credible.

Quintus wrote to him to vindicate himself, but in a tone of such animosity that Cicero declared it was worse than when he accused him to his face. He

[1] The word *cretio* meant the act of election by which the person who was constituted "heir" determined to accept the property with all its liabilities. The form of acceptance was this: "Quum me Mœvius hæredem constituerit, eam hereditatem adeo cernoque."

says that Quintus took advantage of his crushed fortunes to display all his ill-will towards him. It is melancholy to find such waters of bitterness flowing between two brothers who hitherto had been united by the bond of closest affection; but so far as appears from his correspondence, Cicero was not to blame. Misfortune had made Quintus unjust, and his son seems to have behaved with the grossest ingratitude towards his uncle. To all this was added the sting of self-reproach. He was now convinced that he had done wrong in returning to Italy, and the pang was increased by the consideration that, with the exception of Lælius, he was the only one of Pompey's adherents who was in that predicament. The chief leaders of the party were in Africa prepared to carry on the war there, and others who wavered remained in Greece, intending to sue for pardon from Cæsar.

Tullia came to him at Brundusium in June, but even her affection could not console his sinking spirit. It rather added to his sorrow to see his beloved daughter in such distress. A divorce between her and her husband was openly talked of, and the only question seemed to be from which side the proposal should first come. A second instalment of her dowry had been paid, and, as usual, spent by Dolabella. His conduct in every way was most disgraceful. He had caused himself to be adopted, like Clodius, into a plebeian family, in order to be elected a tribune of the people, and then proposed a measure for the confiscation of debts. Cicero wrote to Atticus to sell some of his plate and furniture, in order to raise funds. Atticus generously replied that his

purse was open to Tullia, and informed him that he had some money (mentioning the amount) at his disposal out of property belonging to Cicero. Terentia, however, sent him less than the amount which Atticus had named, and wrote and told him that this was all that was left. He therefore concluded that his wife was defrauding him of the difference; and, when he mentioned it to Atticus, said it was only one of innumerable causes of complaint he had against her. But several letters from him to her at this time are still extant, all written in his usual tone, and in none of them does he allude to the subject. They are not what we should consider affectionate as addressed by a husband to a wife in the midst of misfortunes common to them both; but it was not his habit, nor the habit of the Roman mind, to write in such a strain. The only indication of tenderness is that he always begs her to take care of her health.

Cæsar landed in Italy at Tarentum in September. The moment had arrived to which Cicero had looked forward with so much doubt and apprehension — the moment of being brought face to face with the conqueror of Pharsalia. It is very unfortunate that we have no account from his own pen of the interview; but Plutarch has described the meeting with a few graphic touches. When he heard that Cæsar was on his way from Tarentum to Brundusium, he did not wait but hastened towards him, "not altogether without hope, and yet in some fear of making experiment of the temper of an enemy and a conqueror in the presence of so many witnesses." But there was no need of alarm. Plutarch's narrative

reminds us of the story of the meeting between Jacob and Esau: "For Cæsar, as soon as he saw him coming a good way before the rest of the company, came down to meet him, saluted him, and, leading the way, conversed with him alone for some furlongs."

At the end of September he quitted Brundusium, the air of which he had found injurious to his health, and proceeded to his Tusculan villa, where he intended to remain for a few weeks. Terentia was there, and he wrote her a short letter, telling her to have the bath-room ready and a supply of provisions, as he expected to have friends with him. He stayed there until December, when we find him at last in Rome, having, I suppose, at last given up all hopes of a triumph, and dismissed his lictors. From here he wrote to Trebonius, to thank him for a book he had sent him containing a collection of Cicero's witticisms, which Trebonius had just published, and which seems to have appeared at no very opportune moment.

Cicero was now sixty-one years old — a gray-headed man. What changes had happened since he had last quitted the walls of Rome! He had not, indeed, been *within* those walls since the time when he left the city to assume the proconsular government of Cilicia. The old Republic was gone forever; his party was scattered to the winds, and most of his friends had either fallen in battle or were carrying on a hopeless struggle in Africa and Spain.

He took up his abode quietly in the city. He returned and made his peace, as he wrote to Varro, with his old friends, his books, the use of which he

had discontinued, not because he had quarrelled with them, but because they had made him feel rather ashamed of himself. For by plunging into turbulent strife with associates whom he had found most faithless, he said he had paid too little attention to their precepts. But they pardoned him, and invited him to resume his former intimacy with them, telling him that Varro, who had never abandoned them, was wiser than himself. He was anxious above all things to stand well with Cæsar. In a letter to Munatius Plancus, who was then with the army in Africa, he begged him to believe that whatever part of his conduct during the war might have caused offence to Cæsar was owing to the advice and persuasion of others, and that his counsels had been more moderate than those of any one else on Pompey's side. In another letter to his former quæstor, Mescinius Rufus, he admits that while the issue of the struggle was still uncertain he might have exhibited weakness, but now that the cause he had espoused was desperate, he felt more confidence. This, paradoxical as it may seem, we can easily believe. He was no longer halting between two opinions. He was relieved from the miserable necessity of constantly balancing the claims of prudence and duty, and having submitted himself to Cæsar, and taking no further part in the conflict, he had no fears for his personal safety, and looked on at the course of events with a kind of sullen resignation. In this spirit he declared that good had come out of evil, for in the ruin of the Republic, the approach of death was a thing rather to be desired than dreaded. He would devote himself to

study, and if he was in future to take no active part in politics, he could at least write upon them, and so, copying the example of some of the wisest of the ancients, do the state good service. He would gladly have left Rome, where everything offended him, and retired to the quiet of the country, but he was afraid of showing the appearance of fear. The tongues of the malevolent might whisper that he was meditating flight. So he said in April; but in May he did quit the city for a short time, to pay a visit to some of his villas, from one of which he wrote to Atticus, with whom he had made an appointment to meet somewhere, and it seems that Tullia and little Attica were to be at the rendezvous, for he says, "How gladly shall I run and embrace Tullia and give a kiss to Attica. Pray write and tell me all her prattle, or, if she is in the country, tell me what she writes to you."

We find him at Tusculum in June, and from this, his favorite residence, he wrote to Atticus with all the warmth of his strong friendship, and declared that even the Islands of the Blessed would have no charms if he were absent. The news had arrived of Cato's death by his own hand at Utica, and Cicero had been asked by Atticus and others to compose a panegyric upon their illustrious countryman, but he felt a difficulty in undertaking the task. He did not like to confine himself merely to praise of his moral qualities and omit all mention of his political opinions and public career. But how could he handle that part of the subject without giving offence to the men who were now in power? However, he mustered courage to compose the work, and it had

the curious effect of drawing from Cæsar himself a reply, which he entitled Anticato. This he wrote while absent from Rome and occupied with the Spanish campaign. When Madame de Staël offended Napoleon by her writings, he banished her from France. But Cæsar took a nobler course. He condescended to enter the lists of controversy with his pen, and had the generosity to praise the author while he endeavored to refute the work.

Cæsar was now on his way back from Africa, and Cicero at Rome did his best to ingratiate himself with the leaders of the victorious party. He frequented their dinner-tables, excusing himself with the plea that he must march with the times,[1] and that it was a mark of good sense not to offend those who were in power. He could not altogether resist his fondness for a joke, and his wit sometimes got the better of his discretion. But Cæsar relished these *bons mots*, and desired his friends at Rome to send them to him as additions to his stock of *facetiæ*, which he had taken some pains to collect.[2] Cicero was in better spirits than he had been for some time, and wrote cheerfully to his old friend Pætus about the capital suppers he enjoyed and the amusement he found in giving lessons in declamation to Hirtius and Dolabella, whom he called his pupils in the art of speaking, but his teachers in the art of entertaining. Considering the character of Dolabella and his divorce from Tullia, which had either already taken place or was then imminent, we are astonished to find Cicero on such intimate terms with his worthless son-in-law. It is one of the many proofs how differ-

[1] Tempori serviendum est. — *Ad Div.* IX. 7.

[2] See Suet. *Cæs.* c. 56

ent the state of society at Rome was from that of modern times, and how much less sensitive it was on subjects affecting family happiness. He told Pætus in jest that he had joined Epicurus's camp, and rallied him for supposing that plain dishes and simple fare would any longer satisfy such an *epicure* as himself. Pætus had an attack of gout which confined him to bed, but Cicero told him he would come and sup with him nevertheless, for he did not suppose his cook had the gout also. He begged another friend to put off an appointment with the gout for two or three days until he had paid him a visit. He describes his mode of life at this time as follows: — He received visitors early in the morning, and when the *levée*, which was always well attended, was over, he betook himself to his studies, and either wrote or read for some time, after which he devoted the rest of the day to bodily exercise, not forgetting the good dinners given by his luxurious friends. He seems to have thought he might now go out of mourning for the Republic, for he says: "I have already mourned for my country more heavily and longer than a mother for her only son." But this was not his habitual state of mind. When writing in a more serious strain he did not disguise his grief, which he said scarcely admitted of consolation; and his only refuge was the study of philosophy, since both the Senate-house and the Forum were closed to the efforts of eloquence. He poured forth his sorrows in a letter to Nigidius Figulus, one of his most learned and accomplished friends, and declared that he often felt that he had more cause to complain of life than to rejoice that he still lived.

In August he left Rome and spent a few weeks at one or other of his villas. In the hot months of autumn none was pleasanter than his seat near Antium by the sea-side, and he speaks of it with delight. But he returned to Rome in September; the *Septembribus horis*, which Horace described as so unhealthy in the city in this time, and which are little better at the present day. He here wrote to M. Marcellus, who since the battle of Pharsalia had been living in retirement at Mitylene, to urge him to return and submit himself to Cæsar. His argument was, that, if Pompey had been victorious, matters would not be much better, and if the Republic could be considered still to exist, a man of the mark of Marcellus ought not to withdraw from it. If it was wholly lost, Rome was notwithstanding the best place to stay in; for as to the idea that liberty was to be found elsewhere this was a mistake. Cæsar was now lord of all, and his arm stretched over the whole world; but he was the friend of genius, and disposed to protect men of eminence and renown. And these were not idle words, for although Marcellus had been one of Cæsar's most persevering opponents, and by his hostility might be thought to have almost forced on the Civil War, he received the pardon of the conqueror, and came back to Rome. Cicero says that he had resolved to keep perpetual silence in the Senate, but was so overcome by a sense of Cæsar's magnanimity that he could not refrain from giving vent to his feelings. He rose and delivered a short oration when Cæsar gave his consent to Marcellus's return.[1] It is, as might be ex-

[1] Wolf and Spalding have tried to prove that the speech *pro Marcello*

pected, full of compliments to Cæsar, or, perhaps, a truer description of it would be to call it a specimen of abject flattery.

To Ligarius, who was one of those who had carried on the war in Africa and had continued therefore in arms longer than Marcellus, Cicero wrote in praise of Cæsar's generosity, saying that public opinion, and time, and his own nature disposed him more and more to clemency. He himself had an interview with Cæsar to supplicate the pardon of Ligarius, and afterwards defended him in his absence, when he was impeached by Tubero for having borne arms against Cæsar in the African campaign. When Cæsar heard that Cicero had undertaken the case, he said to his friends, "Why might we not as well once more hear a speech from Cicero? There is no doubt that Ligarius is a bad man and an enemy." He meant to imply that it would be an amusement to hear the famous orator, and there was no fear that his eloquence would alter the opinion of Ligarius's guilt. But as Cicero proceeded, Cæsar, who sat as judge in the tribunal, was observed to change color, and his emotion became visible to all. "At length," to quote the words of Plutarch, "the orator touching upon the battle of Pharsalia, he was so affected that his body trembled, and some of the papers he held dropped from his hands, and thus he was overpowered, and acquitted Ligarius."

There is no doubt that the speech was a masterpiece of art. We must remember that he too had espoused the side of Pompey, and it was therefore

as we have it, is spurious. But most scholars are of a different opinion. There is an essay by Passow in defence of its genuineness.

a matter of no little delicacy to have to advocate the cause of a person upon a charge which applied equally to himself; but he cited his own pardon as a proof of the native goodness and mercy of Cæsar, and he overwhelmed the accuser with shame for attempting to intercept that bounty towards another which had been bestowed so largely upon himself. Never was flattery more dexterously applied to conciliate a judge. How artfully he appeals to the mercy of the Dictator in the following passage: —

"All that I have said I have addressed to your humanity, your clemency, your compassion. I have pleaded many causes, Cæsar, and some even with you as my coadjutor, whilst you paved the way to your future honors by practice in the Forum; but never did I adopt this tone for my client: 'Pardon him, judges; he has erred; he is guilty; he did it unwittingly; if ever again.' —— That is the language to be addressed to a parent, but to a court of justice this: 'He did not do it; he never contemplated the act; the witnesses are forsworn; the charge is false.' Tell me, Cæsar, that you are sitting as a judge to try Ligarius on the question of fact, and ask me in whose garrisons he was found — I am at once silent. I care not to plead in excuse that which might perhaps avail, even with a judge. 'He went there as a lieutenant before the war. He was left in the province during the continuance of peace. He was taken by surprise when war broke out; he showed no animosity while it lasted — even then he was in his heart, and in his wishes, on your side.' Such would be the line of defence before a judge; but I am speaking to a parent: 'I have sinned; I acted unadvisedly; I am sorry for my fault; I throw myself upon your mercy; I ask pardon for my offence; I pray you to forgive me.' If no one has obtained forgiveness from you, it is presumption in me to ask it; but if very many have, then do you, who have encouraged hope, likewise bestow favor."

Conscious as Cicero was of his desire to do all he could for his friends in their misfortune, he could not bear to be accused of backwardness in their cause,

and when he received a letter from Fadius Gallus, who had been quæstor during his consulship and was now in exile, reproaching him apparently for not assisting him, and upbraiding him with forgetfulness of former services, he wrote to him a sharp and stern reply. It is almost the only letter in the whole of his voluminous correspondence dictated by angry feeling, and we may be sure that the provocation was great, or he would not have adopted a tone and style so unusual with him. It is, I confess, refreshing to find that he could be so angry, for one is almost tired of the language of stately compliment and encomium which characterizes his epistles. But they are proofs of his kindness of heart and of the indefatigable zeal with which he devoted himself to console and assist his friends in misfortune. A noble testimony to this was borne by Cæcina, who was one of the exiles, and for whom Cicero had during Cæsar's absence in Spain by urgent entreaty obtained from Balbus and Oppius, two of Cæsar's most trusted agents at Rome, permission to reside in Sicily. Cæcina said that Cicero's friends knew so well his inclination to serve them, that they felt they might command his exertions, and not merely hope to have the benefit of them. This was in answer to a letter from Cicero, which is worth noticing for the purpose of showing the terms in which he spoke of Cæsar. He described him as mild and merciful by nature, and one who was especially attracted by superior intellect. He never, he said, mentioned Pompey's name except in the most honorable terms, and he had given sufficient proofs of his generosity by the manner in which he had treated his late opponents. He made Cassius

one of his legates, Brutus governor of Cisalpine Gaul, Sulpicius governor of Greece,[1] and restored Marcellus, against whom he had the strongest grounds of displeasure, to all his former honors. To Cicero himself he gave daily proofs of his friendship. No conqueror indeed ever made a more magnanimous use of his power; and if he had not fallen by the hand of assassins, it is impossible to doubt that Rome would have been largely benefited by his rule. He was a large-hearted man, and not only the most brilliant soldier, but the most sagacious statesman of his time. His conduct to his adversaries is above all praise, and contrasts strongly with the bitter malevolence of Pompey, who, if victorious, would have slaked his thirst for vengeance in the tears and blood of Rome. This may not alter our opinion as to the justice of Cæsar's quarrel in the commencement, but it must materially influence our judgment as to whether we ought to regret or rejoice at the issue of the struggle.

It is pleasant to turn from Cicero's political letters to those he addressed to his lively friend Pætus, the last as he called him of those who possessed a sparkle of indigenous Roman wit. He gives him an amusing account of a supper at the house of Volumnius Eutrapelus when he was one of the guests. On the same couch with him were Atticus and Verrius, and below Eutrapelus reclined the fair and frail Cytheris the courtesan.

"'What?' you will say, 'Cicero at such a banquet? he, the

[1] Cicero mentions Sulpicius amongst the number of those who had experienced Cæsar's clemency. But I do not understand how he came to require it; for he had opposed the hostile attempts of his colleague Marcellus and during the Civil War had not joined Pompey.

observed of all observers?' In sooth I did not suspect that she would be there. But, however, not even Aristippus, the disciple of Socrates, blushed when he was reproached with keeping Lais. 'I keep her,' he said, 'but I am not kept by her.' But none of that class attracted me when I was a young man. I need say nothing now that I am an old one. I like a banquet. I say there whatever comes uppermost, and turn mourning into mirth. Did you do better when you made fun of a philosopher who asked you if man wanted anything, and you replied that you wanted a *morning* supper? The pedant thought you would say you wanted to know whether there was only one sky or an infinite number of them. . . . When I pay you a visit you will find me a guest not much addicted to eating, but a good deal addicted to joking."

He half apologized for writing in this strain, and asked, —

"Are you surprised that we enliven our loss of liberty by merriment? But what must I do? I ask you, who have a philosopher for your teacher, should I afflict and torment myself? To what purpose? 'Devote yourself,' you say, 'to literature.' But what else do you think I do? Do you imagine I could exist if it were not for literature? But there are limits to study, although I will not say I feel satiety in it."

And he was well entitled to some relaxation. His intellectual activity this year had been immense, and he had written a great variety of works. Amongst these were his "History of Roman Eloquence," under the form of a dialogue, *De claris Oratoribus*; his "Inquiry into the highest Good and Evil," or *De Finibus Bonorum et Malorum*; his "Analyses of Oratory," or *Partitiones Oratoriæ*; his *Cato*; and his *Orator*, dedicated to Brutus. In addition also to his literary labors may be mentioned the great number of letters of introduction and recommendation he wrote at the request of friends to provincial governors and others. There are nearly forty of

these, and although of no interest now, they are worth reading as specimens of exquisite Latinity. They show also his good nature, and his readiness to help those who sought his assistance.

The most important event in his life this year was his divorce from his wife Terentia. It appears to have taken place in the autumn or perhaps later, but the exact time is not known. Plutarch's account of the matter is as follows: — After mentioning that Cicero intended to write a history of his country, but his purpose was interfered with by various public and private misfortunes, he goes on to say, — "For first of all he put away his wife Terentia, by whom he had been neglected at the time of the war and sent away destitute of necessaries for his journey; neither did he find her kind when he returned to Italy, *for she did not join him at Brundusium*, where he stayed a long time, nor would allow her young daughter, who undertook so long a journey, decent attendance or the requisite expenses; besides she left him a naked and empty house, and yet had involved him in many and great debts. These were alleged as the fairest reasons for the divorce." Now we may confidently affirm that some of these reasons are untrue. I have shown that Terentia did offer to join her husband at Brundusium, but he would not allow her, and there is not the slightest hint in his correspondence that she had neglected him during the wars, or "sent him away destitute of necessaries," nor is there any trace of a complaint as to her neglect of Tullia. It is clear that Cicero brought no such charges against her in any of his letters. Middleton, whose only authority is Plutarch, has as-

signed reasons which are at least apocryphal. He says that Cicero "at last parted with his wife Terentia, whose honor and conduct had long been uneasy to him; this drew upon him some censure for putting away a wife who had lived with him above thirty years, the faithful partner of his bed and fortunes, and the mother of two children extremely dear to him. But she was a woman of an inferior and turbulent spirit, expensive and negligent in her private affairs, busy and intriguing in the public, and in the height of her husband's power seems to have had the chief hand in the distribution of all his favors. He had easily borne her perverseness in the vigor of health and the flourishing state of his fortunes; but in a declining life, soured by a continual succession of misfortunes from abroad, the want of ease and quiet at home was no longer tolerable to him." To justify this portrait of Terentia, except in one particular, there is no evidence at all in the only place where we should expect to find it — I mean in the letters of Cicero. The exception is her negligence or perhaps misconduct in money-matters. We naturally turn to see what account Cicero himself gives of a matter so deeply affecting his happiness, but unfortunately we find in his correspondence no explicit information on the subject. In a letter to his friend Plancius he alludes to it, but hints at the cause rather than explains it.

"I would not," he says, "have resolved on a divorce, if I had not on my return from abroad found my domestic affairs in as bad a plight as the republic itself. For when I saw that, owing to the wicked conduct of those to whom in consideration of my never to be forgotten benefits my safety and interests ought to have been

dear, there was nothing safe nor free from treachery within my own walls, I thought that I ought to be protected by the fidelity of new connections against the perfidy of the old."

Now what was the wickedness and what the treachery of which he here complains? There can, I think, be no doubt that the charges had some reference to Terentia's conduct in money-matters; for he had previously, as we have seen, accused her of abstracting part of the money which ought to have been remitted to him, and of falsifying the account. This is really all we know of the matter, and the rest is utterly obscure. It must not be lost sight of that in the passage I have just quoted Cicero complains of more persons than one. It is not "her" but "those" of whom he speaks. I cannot help thinking that he had his brother and his nephew also in his eye when he alluded to domestic treachery, for that was the specific kind of injury of which they had been guilty in calumniating him to Cæsar. We know from Plutarch that Terentia steadily denied that her husband had any good grounds for the divorce. And as I have undertaken to defend her, I will quote one or two passages from Cicero's correspondence, which are, I think, conclusive to show that she was an amiable woman, and that Cicero loved her with passionate fondness. One of his letters is thus addressed: "Tully to Terentia, and the Father to Tulliola, his two souls; and Cicero (the son) to the best of mothers and his darling sister." In another he calls her "Light of my eyes — my longed-for darling! from whom all used to seek for help. To think that you should be so harassed — so steeped in tears and misery, and that this should be

caused by my fault!" In another he says, "Attend to your health and be assured that no one is nor ever was dearer to me than you." Again, "Of this be sure, that if I have you I shall not think myself wholly ruined." She was ready to sell her property to assist him in his difficulties, but he dissuaded her for fear of leaving their son penniless. Surely all the evidence we have is in her favor, and for my own part I disbelieve the malevolent gossip of Plutarch about her. She lived to an extreme old age, dying in her hundred and fourth year, and if we may believe Dio Cassius, was thrice married after her divorce from Cicero. But as she was fifty years old when Cicero divorced her, this is most probably an untrue story.

He lost no time in looking out for another wife, and his friends appear to have suggested a daughter of Pompey as a suitable *partie*, but he did not like the idea. As to another lady whom Atticus had mentioned to him, he gave as a reason for not proposing to her that he had never seen an uglier person. His choice at last fell upon a young lady named Publilia, who had a considerable fortune, and of whom, according to Plutarch, he was guardian at the time. She was almost a girl, and he was now sixty-one. It was the union of January and May,[1] and like most such marriages it turned out unhappily.

[1] The late Sir Cresswell Cresswell told me that, having once in court alluded to a case before him as one of the numerous instances of unfortunate marriages "between January and May," a Scotch gentleman wrote to him and asked him, as he was collecting statistical information, whether he could explain why marriages that took place *in the period between January and May* turned out so badly!

At the beginning of the new year B. C. 45 Cæsar was absent from Italy, engaged in carrying on the war in Spain against the sons of Pompey.

Cicero was at Rome during January, where he tells us he was detained by the confinement of Tullia, who gave birth to a son after her divorce from Dolabella.[1] She seems to have been at that time still living in her late husband's house, and at first she was thought to be in a fair way of recovery, but soon afterwards she sank under the effects of her confinement and died. This sad event happened in February, at her father's Tusculan villa, where she was probably removed before alarming symptoms showed themselves. But there is a good deal of obscurity attending her last illness, and we have no account of the particulars from Cicero himself. The first intimation we have from him of the calamity which overwhelmed him is in a letter written to Atticus in March from Astura. So far as we can gather from incidental expressions in his correspondence, he seems to have left his Tusculan villa after his daughter's death, and gone to the house of Atticus at Rome. He tells us that he spent thirty days in some gardens, which probably belonged to a suburban villa of Atticus, and we next find him at his country residence near Astura, writing to his friend on the subject of a monument or shrine which he was anxious to erect to the memory of Tullia. His wish was to place it in some gardens at Rome, where it would be more

[1] The child seems to have lived, and to have been called Lentulus, if we are right in supposing that the passage in the letter *Ad Att.* XII. 28, "velim aliquando . . . Lentulum puerumvisas," refers to him. But we know nothing of his subsequent history. Very probably he died young, and thus the line of Cicero in that generation became extinct.

conspicuous than in the little island near Arpinum, his own birthplace, which at first suggested itself to his mind. His words are: "The Arpinian island is suitable for a genuine apotheosis, but I am afraid it might seem to confer less honor, as it lies out of the way. My inclination, therefore, is for the gardens, which I will look at when I come." [1]

He was terribly stunned by the blow. In Tullia he had garnered up his heart, and her death left a dreary blank in his existence. His affection for her shines like a gleam of light through his letters, and he had clung to her as the prop and stay of his declining years. He tried to occupy himself with study to distract his thoughts, and read such books as heathen philosophy could supply to soothe a mourner's sorrow, but in vain. He composed a work on Consolation, in hopes that in the attempt to minister to the afflictions of others he might assuage his own, but it only increased his pang. His grief, he said, admitted of no consolation. In the morning he wandered into the woods, and buried himself in their solitude all the day long, striving to occupy himself with literature, but overcome with floods of tears. He took a melancholy pleasure in the idea of dedicating a monument to his daughter, and again and again consulted Atticus on its form and the locality where it should be placed.[2] It is not known whether

1 There is an Essay in the Mémoires de l'Académie des Inscriptions, Vol. I. p. 370, by the Abbé Montgault, "*sur le* Fanum *de* Tullia," in which he investigates the subject, and learnedly illustrates the practice of *Apotheosis* amongst the ancients. There was a kind of sumptuary law regulating the expense of tombs, and a fine was imposed equal to the excess beyond the legal limit.

2 His idea also was to purchase enough ground to enable him to have a residence there himself as a retreat for his old age, or ἐγγήραμα, as he called it.

the design was ever carried into execution, — most probably not, — but if it was, the day may yet come when some fragment of it may be discovered, — a precious relic of the memorial which a father's love consecrated to his child.[1]

Although overwhelmed with grief, Cicero battled manfully against it, and adopted the wisest course that could be taken by one to whom the consolation that revealed religion can supply was unknown. He occupied himself in the quiet of the country and with his books, and wrote incessantly. When he heard that he was blamed at Rome for giving way too much to sorrow and secluding himself in private, he defended himself by showing that in the midst of all his suffering he had been busily employed, and added, with some bitterness, that he had written more than those who censured him were ever likely to read. He told Atticus that he would find, when they met, that his firmness had not deserted him, but his old cheerfulness and gayety were wholly gone.

It will naturally be asked where during all this time was his lately married wife? Was Publilia by his side, the sharer and soother of his affliction? That she was absent is certain, but this was by Cicero's express desire. The union was not a happy one; and if we may believe Plutarch, he was so disgusted by her want of feeling at the death of Tullia, that he very soon afterwards divorced her. If the

[1] There is a wild story told by Baptista Pius in a note to one of Cicero's letters, *Ad Att.* XI. 17, that, in making an excavation amongst the Alban hills, an embalmed body was discovered, which was believed to be that of Tullia, as it was found amongst the sepulchral urns of the Tullian *gens*. In his "Malta Illustrata" Abela mentions an inscription found at Malta, in the following form, —

TULLIOLA. M. TULLII. F.

real motive for the marriage was her money, his aversion to her, from whatever cause, must have been indeed unconquerable, for, of course, he would have to refund the whole of her dowry. We find him writing to Atticus in March in a fright lest his wife with her mother and brother should come to Astura to pay him an unwelcome visit. He says that he had received a letter purporting to come from her, in which she prayed to be allowed to accompany her relatives. He suspected, however, that her mother had really written in her daughter's name, and at all events he peremptorily forbade any of them to come, as he wished to be alone. He begged Atticus to give him timely notice if they left Rome, that he might be out of the way when they arrived and avoid them. Such were the terms on which he stood with his new relations!

It was during his stay at Astura that the celebrated and beautiful letter was addressed to him from Athens by Servius Sulpicius,

"The Roman friend of Rome's least mortal mind,"

in which he strove to comfort the mourner by arguments drawn from the vicissitudes and decay of all earthly things. It has been so often quoted that the reader is doubtless familiar with it. Lucceius the historian also wrote him a letter of consolation, which he acknowledged with grateful thanks. Lucceius tried to make him take a more hopeful view of public affairs, but Cicero confessed that he thought them desperate. He was pleased by the allusion in the letter to his own services, and said that he had given to his country not more than his duty required, but

certainly more than others had a right to demand from him. "You will pardon me," he added, "in being in some degree my own trumpeter." In another letter to Lucceius he said he was ashamed of life, and the books he studied seemed to upbraid him for enduring it, for it was nothing but a prolongation of misery.

In one of his letters to Atticus, written in March, Cicero alludes to his will, and says that Terentia ought, like himself, to make some provision by hers for their little grandson, to whom Tullia had given birth. His words are, "Let her do like me. I will allow my will to be perused by any one she pleases to name; she will find that I could not have acted more liberally towards my grandson than I have done." There can be no doubt that he greatly distrusted Terentia's good faith in money-matters, and he speaks of her as wanting in sincerity and steadiness of purpose.

His son Marcus wished to go to Spain and serve under Cæsar in the campaign against Pompey's sons. Cicero tried to dissuade him, pointing out how inconsistent it would be for him to bear arms against a cause for which he had lately fought, and also how annoyed he would feel on finding his cousin a greater favorite with Cæsar than himself. The young man gave up the idea of Spain and went to Athens. His father consulted Atticus upon the sum he should allow him for his expenses, and proposed to set apart for the purpose the rents of some property he had on the Aventine Mount and in the district of Rome called Argiletum. He mentioned the names of several young men of good family who were going

to Athens, and said he was sure that they would not spend more. He added that it was not at all necessary to keep a horse at Athens, and for the journey there were more than enough horses at home.

He composed a letter to Cæsar in the form of a political essay, taking as his model Aristotle's work περὶ Βασιλείας, which was addressed to Alexander, but he was far from feeling satisfied with his own performance, and he begged Atticus to submit it to Cæsar's friends at Rome before it was sent to him. They suggested so many alterations, that if they were adopted the letter must be rewritten, and rather than do this, Cicero abandoned the idea of sending it at all.

A curious case of imposture occurred about this time. A man whose real name was Herophilus or Amasius, and who was by trade a farrier or veterinary surgeon, gave himself out as the grandson of the great Marius, and applied to Cicero to undertake his case and assist him in establishing his relationship. He appealed to him as a connection, and as one whose poem on Marius showed the interest he took in that illustrious name. Cicero, however, declined the task, and, with a touch of sarcasm in his answer, told him that he did not want an advocate, as all power was now in the hands of Cæsar, "a most excellent and generous man," and his own relation besides! For as Marius had married Julia, who was Cæsar's aunt, if the story of the claimant was true, he and Cæsar were, of course, relatives. The result was that the impostor was banished from Italy, and afterwards, on his return to Rome, was killed in a city tumult.

Cicero spent the summer and autumn in the country at one or other of his villas at Antium, Arpinum, or Tusculum. He shunned society, and occupied himself incessantly in writing and study. He cared for literature now much more than for politics, and we find him keenly arguing a point of criticism with Atticus as to the right use of the word *inhibere*, and declaring that this interested him far more than public affairs. In the same letter he half apologizes for occupying himself with apparent trifles, but adds that such things then were of chief importance to him. He felt indeed that his occupation as a statesman was gone, and endeavored to forget the ruin of all his hopes for his country in literary pursuits. He made Atticus, as usual, his confidant, and used to send his compositions to him to be copied by some of his clever clerks, with strict injunctions, however, not to allow them to be published or get abroad without his own permission.

He recast the form of his Academic Dialogues, which originally consisted of two books, called Catulus and Lucullus, and turned them into four. He changed also the speakers, who had been Catulus, Lucullus, and Hortensius, and introduced instead Cato, Brutus, and Varro, as persons the character of whose minds would better suit the arguments assigned to them. He dedicated the whole work to Varro, one of the most learned of the Romans, and for those times really a monster of erudition.

He also completed his work De Finibus, an inquiry into the chief objects or *ends* at which men ought to aim to secure happiness; making Torquatus represent the Epicurean school, Cato the Stoic,

and Piso the Peripatetic. Another composition that belongs to the same period is his Hortensius; a dialogue in which he upheld the claims of Philosophy and Literature as contrasted with the study of Eloquence. It was the book, now unhappily lost, which attracted the attention of St. Augustine in his early years, and made him devote himself to philosophy. In the month of August we find him at his Tusculan villa, busy before daybreak with the second part of his Tusculan Essays, in which he combats the doctrine of the Epicureans that pain is the chief evil.

In the course of the summer he had divorced himself from Publilia, and employed the good offices of Atticus to arrange with her brother Publilius about the repayment of her dowry. Not a syllable occurs in his letters to throw light on the cause of the separation, and it is remarkable with what absolute reserve on all domestic topics his letters at this period are written. Although allusion is frequently made to the loss of Tullia, and he constantly expresses his earnest desire to erect a shrine to her memory, her *name* is never once mentioned; and with regard to Terentia and Publilia, the tone of his correspondence is almost as enigmatical as if he had written in cipher. Atticus, of course, understood it all, and Cicero was writing to him with no idea that a distant posterity would be anxious to discover the minute details of his domestic life. Very probably the circumstances were so painful that he could not bear to dwell upon them. But whatever may have been the reason, the fact is certain that we can only guess at many things which we might have expected to find fully explained in his confidential correspondence

with his most intimate friend. Even the style of his letters at this period is more difficult and abrupt than usual, and it may be safely said that the least interesting portion of them is that which embraces the year of his life on which we are now engaged.

In one or two of them a lady called Cærellia is mentioned, about whom it is right to say a few words, on account of an absurd scandal against Cicero connected with her name. She seems to have been a blue-stocking dame, who admired his writings, and took the trouble to copy or get copied some of his philosophical works. In the first letter where her name occurs he says to Atticus: —

"I forgot to mention that Cærellia, who has a wonderful passion for philosophy, is copying some of my works from those in your possession. She has the treatise *De Finibus*. But I can assure you (although I may be mistaken, for to err is human) that she has not any of my copies, for they have never been out of my sight. So far from my having two copies made, hardly one was completed. However, I do not think that it was from any fault of your copyists, and I wish you to understand this. For I omitted to mention to you that I did not wish them to be published yet."

According to Dio Cassius, the tribune Fufius Calenus, in an abusive speech against Cicero, to which I shall hereafter more particularly allude, charged him with putting away his second wife Publilia in order that he might carry on undisturbed an intrigue with Cærellia, and he mentioned some letters of an amatory nature, which had appeared written by Cicero to her, and which contained expressions offensive to delicacy. The best answer to this scandal is to state the ages of the respective parties at the time when the alleged intrigue was going on. Cicero was sixty

two, and the seductive dame was seventy! If Fufius made the speech he must have been laughed at by his audience, for he mentioned the age of the frail lady. There can, I think, be little doubt that the letters were spurious. Very probably there was a correspondence, just as there was between Châteaubriand and Madame Recamier; but it is ridiculous to suppose that it was of the nature that malevolence attributed to it. We must never forget the unbridled licence of invective in which the ancients indulged when they wished to damage an opponent, and this applies to many of the attacks made upon others by Cicero himself. The good offices of Cærellia were employed by Publilia's family, if not by Publilia herself, to induce him to take that lady back again after their divorce, but he would not listen to the proposal.

In one of his letters about this time he declares that his property gave him much more trouble than pleasure, for he felt more distress at having no one to whom he could leave it than gratification in the enjoyment of it. He alludes here to the twice widowed state to which he was reduced by his two divorces, and to the loss of his daughter. But the expression is remarkable, considering that his son was still living. Perhaps he meant that he had little satisfaction in looking upon him as his heir, as he felt uncertain how the young man would turn out, for his conduct at Athens at first caused his father some uneasiness. Cicero was still on indifferent terms with his brother, and his nephew, young Quintus, continued as hostile as ever, spreading all kinds of calumnious reports, as, for instance, that his cousin Marcus was harshly treated by his father, and that

his uncle was utterly estranged from Cæsar, who ought to be on his guard against him. Upon which Cicero remarks, with some bitterness, that this might be a formidable charge if he was not assured that King Cæsar knew very well that he had nothing to fear from a man of such little determination as himself. That he was thoroughly discontented with Cæsar, however much prudent policy made him conceal his real sentiments, is plain from many passages in his letters. In one of them, written in September, when he was at his Tusculan villa, he expresses his joy that the people had refused to applaud the statue of Victory when it was carried in a procession with an image of Cæsar close beside it. The reason was, he said, because Victory had a bad neighbor.

At the end of August or beginning of September he wrote and sent a letter to Cæsar, which is not extant; but he describes it as written without flattery, and in a tone which one equal might address to another, but yet such as Cæsar would read with pleasure. No one could do this with more skill and adroitness than himself.

JULIUS CÆSAR.

Vol II. p 165.

CHAPTER XX.

DEATH OF CÆSAR.

ÆT. 63. B. C. 44.

CÆSAR returned to Rome in October from his victorious campaign in Spain. There Cneius and Sextus, the sons of Pompey, had, amongst the mountain fastnesses of what was afterwards called Granada, taxed his resources as a general to the utmost, and fought with a courage and determination such as had not elsewhere been displayed during the contest. The battle of Munda on the seventeenth of March terminated the war, but Cæsar gained it with great difficulty. Cneius fell in the engagement, but Sextus escaped. Cæsar returned to Rome, and celebrated his last triumph with great pomp and magnificence, amusing the people with gladiatorial combats and sham fights, and entertaining them at public tables for several days. He brought home enormous treasures. We are told that they amounted to more than six hundred million sesterces, that is, upwards of five millions sterling, and he gave each of the soldiers a donation of about a hundred and seventy pounds. He proclaimed an amnesty for the past, and laying down the consulship which he had assumed without a colleague when he gave up the dictatorship, he appointed as consuls for the remain-

der of the year Q. Fabius and C. Trebonius. Fabius died on the last day of the year, and Caninius Rabilius was nominated in his place for the few remaining hours, which gave rise to one of Cicero's jokes, who said that he was a consul of such surprising vigilance that he never slept once during his consulship. For it terminated at midnight, and next day, on the first of January, Cæsar and Antony succeeded to the office.

Cicero now undertook the last cause which he ever pleaded. The occasion was this. We may remember that when he was proconsul of Cilicia he sent his son and nephew with their tutor Dionysius to pursue their studies at the court of Deiotarus, who was originally tetrarch of Galatia, and had been created by the Senate King of Armenia. During the Civil War he had espoused the side of Pompey and Cæsar, after his victory over Pharnaces, had deposed him and deprived him of his kingdom of Armenia, but allowed him to retain the royal title conferred upon him by the Senate. The conqueror was hospitably entertained by Deiotarus, and received from him, notwithstanding the loss of his dominions in Armenia, some magnificent presents. After Cæsar's departure, Castor, a grandson of Deiotarus, conceived the idea of supplanting his grandfather, and suborned Philippus, a medical attendant of the court, to accuse Deiotarus of having practised against the life of his guest during his stay in Armenia. Castor sent Philippus to Rome to prosecute the charge against Deiotarus, who was there represented by ambassadors, and they entreated Cicero to undertake their master's defence. He consented, and the

cause was heard before Cæsar himself, sitting at his own house.

When the case was over, the Dictator postponed judgment, intimating his intention, when he undertook the Parthian campaign, to pursue the inquiry on the spot. But before that the dagger of Brutus struck him down.

On the twentieth of December Cæsar became Cicero's guest at his villa near Puteoli, and a letter to Atticus gives an interesting account of the visit. It is worth quoting at length :—

"What a troublesome guest," he says, "I have had! But I have no cause to regret what happened, for all passed off pleasantly enough. But when he had arrived at the house of Philippus in the evening of the second day of the Saturnalia, the villa was so filled with soldiers that there was scarcely room at a dining-table for Cæsar himself to sup. There were a thousand men. I was truly puzzled to know what I could do the next day, but Barba Cassius came to my rescue, and he gave me a body of guards. A camp was pitched in the fields, and the villa was protected. Cæsar stayed with Philippus on the third day of the Saturnalia until nearly one o'clock in the afternoon, and admitted no one to his presence. I imagine he was going over accounts with Balbus. He afterwards took a walk on the shore, and at two o'clock had a bath. He then listened to an epigram on Mamurra without changing a muscle of his countenance, and next was rubbed with oil, and took his place reclining at the banquet, intending to have an emetic afterwards.[1] He therefore both ate and drank without scruple, and enjoyed himself. It was a capital dinner, and well served, and not only that, but

'Seasoned with well-digested good discourse.'

Besides, his retinue was liberally entertained at three tables. His inferior freedmen and slaves had all they could want. The better class were treated sumptuously. Not to make a long story, I acquitted myself like a man. However he is not the kind of

[1] ἐμετικὴν agebat.

guest to whom you would say, 'Pray, my good friend, pay me another visit on your return.' Once was enough. There was no conversation on serious topics, but a good deal of literary talk. Why are you so anxious? He was delighted, and showed that he enjoyed himself. He said he would spend one day at Baiæ and the next at Puteoli. I have now given you an account of the visit; or shall I call it — billeting? But it was, as I have said, not disagreeable to me. I shall stay here a little while, and then go to my Tusculanum. As he was passing by Dolabella's villa, the whole body of his guards closed up on the right and left of his horse, and this they did nowhere else. So I heard from Nicias."

On the first day of the new year Cæsar assumed the consulship, with Antony as his colleague. He intended to leave Rome in a few weeks in order to carry on a campaign against the Parthians, the constant and troublesome enemies of Rome on her eastern frontier. Like Napoleon, he felt that a succession of victories was necessary to his position; and having vanquished every opponent at home, he wished to gain fresh laurels by carrying his victorious eagles to the banks of the Euphrates. The Senate met as usual on the first of January, and Cicero, with the rest, was present when Cæsar announced his intention of nominating Dolabella to succeed him as consul when he himself set out on his Parthian expedition. This was strongly opposed by Antony, and he went so far as to declare that, when the time came, he would use his power and influence as augur to invalidate the election. I use the word election, for it appears that the form of voting by the people in their centuries was still kept up, although, in point of fact, Cæsar's wish was law, and whoever was nominated by him was certain to be chosen by the people. It shows some spirit in

Antony that he ventured to oppose the declared intention of Rome's mighty master, and it shows also magnanimity in Cæsar that he was not offended at the opposition. But he took upon himself to dispose absolutely of the prætorships. Amongst these, the highest office — indeed the only one of any real importance — was that of *prætor urbanus*, the rest being subordinate both in dignity and power; and both Marcus Brutus, and Cassius, who were brothers-in-law (Cassius having married Junia, the sister of Brutus), were anxious to hold it. The decision rested with Cæsar, who, according to Plutarch, after deliberating with his friends, determined in favor of Brutus, saying, "Cassius has the stronger claim, but we must let Brutus be first prætor." And he gave Cassius one of the other prætorships, in hopes that it would satisfy him; but his pride was wounded, and it is supposed that it was in consequence of this slight that he determined to engage in the conspiracy against Cæsar's life. Cæsar was not without suspicions of him, and had also misgivings about Brutus himself — if the story is true, that, when he was told that Antony and Dolabella were meditating mischief he said, "It is not the fat and long-haired men that I fear, but the pale and the lean," alluding to the spare figures of Brutus and Cassius.

> Let me have men about me that are fat;
> Sleek-headed men, and such as sleep o' nights:
> Yon Cassius has a lean and hungry look:
> He thinks too much: such men are dangerous.

But his generous nature showed itself in the answer he gave when some one, who perhaps had a vague idea of approaching danger, advised him

to be on his guard. The reply of the lion-hearted man was, "I had rather die than be the subject of fear."

He had reached the highest pinnacle of power, and in all but the name was King of the Roman world. Rome was now changing from the position of an Imperial city dominating over Italy and the world, to that of a capital in which Italy and the world had part. But Cæsar's ambition was not satisfied unless he could gain the title which for so many centuries had been dormant at Rome. He wished to be *Rex* not only in reality but in name; and an ingenious mode was hit upon to feel the pulse of the people and see how far they were disposed to bear it. There was a wild festival at Rome called Lupercalia, which was celebrated in the month of February, when young men of good family used to run more than half naked through the streets, and strike with thongs of leather every one they met. While this carnival was going on, Cæsar took his seat above the Rostra in the Forum, and dressed in his triumphal robes, amused himself with looking on at the sport. Antony, though consul, was not ashamed to appear amongst the runners, and twisting a garland of bay-leaves round a diadem or coronet, he approached the Rostra, where, being lifted up by his riotous companions, he tried to place it on Cæsar's head. He drew back to prevent it, but the spectators were shrewd enough to observe that the action was rather that of coy than indignant refusal. The people thundered applause when they saw Cæsar put away the crown. Again Antony made the attempt, and again it was unsuccessful. The shouts became louder, and Cæsar saw

that there could be no mistake as to the real feelings of the populace. The offer of the crown was at least premature. He rose hastily from his seat, and pretending to misconstrue the clamor, laid bare his neck, crying out that he was ready to receive the blow if any one there desired to strike. He showed, however, how little he was pleased that the *ruse* had failed, for when the garland was afterwards placed upon the head of one of his statues and removed by order of some of the tribunes, he deprived them of their offices, on the pretence that they were trying to stir up sedition against him.

The next plan resorted to by his friends was to make the Sybilline books play a part subservient to their purpose. It was only necessary to bribe the guardians, and they could make their oracles speak as they pleased. They spread a report that in their mystic leaves was contained a prophecy that the Parthians could only be conquered by a king. With a people so superstitious as the Romans, it is impossible to say what effect this stratagem might have had, if a few bold men had not been thereby warned that the time was come for them to put in execution a design which they had for some weeks harbored of taking Cæsar's life.

Of the particular details of the great conspiracy we know little. It was, of course, formed in secret and shrouded in mystery. Cassius seems to have been the first who conceived the plan of assassination, and he was extremely anxious to engage Marcus Brutus in the plot, whose character stood perhaps higher than that of any man at Rome, and whose

name would be a tower of strength on which to rely in the attempt to carry out so desperate an enterprise. Several, we are told, to whom Cassius ventured to communicate his design made it a condition that Brutus should join them. He was cautiously sounded, and at last consented to take part in the conspiracy. The act of heroism by which his wife Porcia, a daughter of Cato and his own cousin, forced him to confide the secret to her is well known. No less than sixty persons are said to have been privy to the plot, of whom the best known, besides Marcus Brutus and Cassius, are Decimus Brutus, Trebonius, Casca, Tullius Cimber, Cnæus Domitius, and Servilius.

That Cicero was not in the number is certain. Antony afterwards, when the tide of popular feeling had turned against the murderers, accused him of being one of the conspirators, but Cicero strongly denied it. And this we may well believe, not because he would have shrunk from the deed as wrong, for, as we shall hereafter see he extolled it to the skies, but because he was not the kind of man who would be likely to be taken into the counsels of those who were engaged in an enterprise that was full of danger, and which required nothing so much as nerve and resolution. Plutarch tells us expressly that the plot was concealed from Cicero, "lest to his own disposition, which was naturally timorous, adding now the wariness and caution of old age, and by his weighing as he would every particular that he might not make one step without the greatest security, he should blunt the edge of their forwardness and resolution

in a business which required all the dispatch possible.[1]"

A meeting of the Senate was summoned for the fifteenth — the Ides — of March, and it was currently believed that on that day a proposal would be made to declare Cæsar king, in conformity with what was said to be contained in the Sibylline books. The conspirators saw that there was no time for delay, and the blow must be struck at once. The place where the Senate was to meet was the *Curia Pompeii*, a building adjoining the portico which formed part of the splendid theatre erected by Pompey on the west of the Capitol, not far from the southern extremity of the Campus Martius. Plutarch seems to confound the curia with the portico. His words are, — "The very place, too, where the Senate was to meet seemed to be by Divine appointment favorable to their purpose. It was a portico, one of those joining the theatre, with a large *exhedra* or recess, in which there stood a statue of Pompey, erected to him by the commonwealth, when he adorned that part of the city with the porticos and the theatre." But there certainly was a building called *Curia Pompeii* distinct from the portico, and t was in this that the deed of violence was done.

When the fatal morning came the great body of the conspirators assembled at the house of Cassius, and accompanied his son, who was on that day to assume the *toga virilis*, to the Forum, from which they afterwards hastened to the Senate-house with daggers concealed beneath their robes. Decimus Brutus was about to exhibit some games, and

[1] Plutarch *in Brut.*

availing himself of this pretext, he assembled a large body of gladiators, and had them in readiness in case a rescue was attempted. In order to disarm suspicion, Brutus, and some of the other conspirators who were prætors, seated themselves early on their tribunals in the Forum, and proceeded to dispose of cases, as if nothing unusual was going to happen. We are told that when Marcus Brutus decided one of the causes that came that morning before him, the party against whom he had given judgment declared with some violence that he would appeal to Cæsar, upon which Brutus calmly said, "Cæsar does not hinder me, nor shall he hinder me, from deciding according to law." He then left and went to the Senate-house.

At the last moment the secret was on the point of being betrayed, and Cæsar might have been warned in time. A person came up to Casca, as he stood in the group waiting for the arrival of their victim, and taking him by the hand whispered into his ear, — "You concealed the secret from us, but Brutus has told me all." Casca naturally supposed that the stranger was privy to the plot, and his countenance showed how much he was surprised. A word might have escaped him which would have been fatal to the plan, when the other relieved him from his anxiety by saying, in a laughing tone, "How came you to be so rich of a sudden, that you could stand an election for the ædileship?" It was obvious that the secret to which the man alluded was not the terrible one of which all their minds were full, and we can imagine how Casca must have rejoiced that he had not betrayed himself by an imprudent answer

Another incident occurred, which showed that the plot was known more widely than the conspirators imagined. A Senator named Popilius Lænas came up to Brutus and Cassius, and, saluting them with more than usual earnestness, whispered to them, — "My wishes are with you, and I hope you may accomplish your design. But I advise you to make haste, for the thing is now no secret!" It was evident that not a moment was to be lost.

But where in the mean time was Cæsar? The day was wearing on, and he had not appeared. What was the cause of the unusual delay?

If we may believe the concurrent testimony of many ancient writers, several omens of sinister import happened in the night and morning before his assassination, which seemed sent by Providence to warn him of his impending doom. We need not too curiously inquire whether the account is true, or whether they owed their origin to the superstitious imagination of the Romans, excited to the utmost as it would be by dwelling upon the circumstances of the terrible event after it had taken place. It is a fact established beyond the possibility of doubt, that in some mysterious way a presentiment does often exist of approaching evil, and the very reverse often happens of that which Shakspeare declares to be the rule, when he says, —

> Against ill chances men are ever merry;
> But heaviness foreruns the good event.

His wife Calpurnia dreamed that the house in which they slept had fallen, and that her husband was wounded and fled to her arms for refuge. The armor dedicated to Mars, which as Pontifex Maxi-

mus he kept in his dwelling, rattled during the night, and the door of his bed-chamber opened of its own accord. In the morning when he attempted a divination by feeding poultry, according to the old Roman custom, the omens were unfavorable; and it is said that he determined not to leave his house that day. The impatient conspirators sent a message to tell him that the Senate was assembled, but still he did not come; and at last Decimus Brutus went off to see him personally and say that his presence was urgently required. After such a summons his lofty soul disdained to be deterred by the paltry omens that might have frightened a weaker mind; and, accompanied by Brutus, he left his home and got into a litter to be carried to the Senate-house. As he passed the threshold his statue, which stood there, fell to the ground and was broken to pieces. Even yet he might have been saved, if he had taken the trouble to read a paper which as he passed along was thrust into his hand by some one in the street. It contained a revelation of the plot; but Cæsar, thinking probably that it was merely a petition, such as he was constantly in the habit of receiving, and which was of no pressing importance, thrust it unopened into the folds of his robe. And we are told that he said gayly to a soothsayer whom he met, and who had warned him to beware of the Ides of March, 'You see the day you feared has come, and I am still alive." — "Yes," answered the other, "it has come, but it has not yet passed." If this story is true, we must suppose that the man had some inkling of the design of the conspirators, or perhaps was actually in the plot, and hoped to get credit for the gift of

prophecy, and so enhance the reputation of the science in which he was an adept.

It had been seriously debated amongst the conspirators whether Antony should not be murdered at the same time as Cæsar, and the majority wished to kill him. But Brutus would not consent, thinking that it would give an unfavorable complexion to the character of their design, which ought to be limited solely to the removal of the one man who had destroyed the liberties of Rome. Plutarch says that he insisted that an action undertaken in defence of right and law must be kept unsullied and pure from injustice. There can be no doubt that in this he made in point of policy a capital mistake, and no one was more fully impressed with the conviction afterwards than Cicero himself. It was, however, thought advisable to keep Antony away from the Senate-house while the deed was being done, for, armed as he was with consular authority, his presence might in some way have embarrassed the execution of the plan, or at all events have endangered the safety of the conspirators. Trebonius, therefore, went out to meet him on his way and engage him in conversation, before he entered the chamber where the Senate was assembled. In his second Philippic Cicero distinctly declares that Antony was an accomplice, and that Trebonius and he met by a preconcerted arrangement. By this time Cæsar had reached the door, and it is affecting to read in the ancient writers the way in which the last moments of the doomed Dictator were spent. The Senators seem to have been lounging in the portico when his litter came up; and as he got out of it Popilius Lænas approached him and

kept him for some time engaged outside the door in close conversation, in a low tone. This alarmed the conspirators, for they knew from what Popilius had said to Brutus and Cassius a short time before, that he was in the secret, but were by no means sure how far they might trust him. We are told that they were ready to destroy themselves if they were prematurely discovered, and had their daggers in readiness for the purpose while Popilius was talking to Cæsar. It is strange that they did not rather rush upon their victim and make sure work at once. But Popilius kissed Cæsar's hand — the kiss of Judas — and left him, and as Cæsar turned to enter the Senate-house they felt that so far they were safe.

In the mean time the great body of the Senators had gone in and taken their seats. As Cæsar entered they all rose in a body to receive him, and the conspirators kept close to him as he walked up to his chair, talking familiarly with him as was usual, for he was the most affable of men. As he sat down, some say just under the statue of Pompey, which now stands in the Palazzo Spada at Rome, Tullius Cimber began to petition him to recall his banished brother, and the others joined in the entreaty, pressing close upon him as if for the purpose of urging more eagerly their request. Their importunity at last became disagreeable, and Cæsar, to get rid of it, ose rather abruptly from his seat. As he did so Tullius snatched at his robe, and pulled it from his shoulders. In an instant a dagger glittered in the air, and Casca stabbed him in the shoulder. The wound was slight, for Casca was too nervous to send the blow home, and Cæsar, seizing the handle of the

weapon, cried out, "Casca, you villain, what are you about?" But dagger after dagger was now plunged into his body, and when he saw the hand of Brutus, whom he had loved with a warm affection, uplifted to strike, he let go Casca's arm, which he had grasped, and folding his robe around him submitted without a struggle to his inevitable fate.[1] So eager were the assassins to kill him, that, in the blind confusion of the moment, some of them were themselves wounded, and Brutus was cut in the hand, while the clothes of most of them were besmeared with blood.

It is certain that Cicero was present at the murder. In one of his letters to Atticus he expresses the joy he felt at witnessing the deed of blood. In his eyes regicide was no crime, and he exulted in the act as one of the most glorious in the annals of fame. The terms in which he speaks of it show that all pity for the man was lost in detestation of the tyrant. He believed that the interests of his country required the sacrifice, and he felt no more for the victim than Charlotte Corday did when she plunged her dagger in the breast of Marat.

We can imagine the stupefied horror with which the great body of the Senators who were not in the secret gazed upon the scene. They rushed out of the building when it was over, and fled in wild alarm along the streets. When Antony heard what had happened he threw off his consular robe in fear of being recognized, and, putting on the dress of a slave who was in attendance or happened to be near, he

[1] According to Dio Cassius he cried out, "You too, Brutus, my son?" If he did use the expression, it may have meant more than a mere term of affection, for scandal declared that Brutus *was* his son, — the fruit of an *amour* between his mother Servilia and Cæsar.

hurried home and hid himself in a place of concealment. Plutarch says that at first all places were filled with cries and shouts, and the wild running to and fro occasioned by the sudden surprise and passion that everybody was in, increased the tumult in the city. The assassins placed a cap as the symbol of liberty on the point of a sword, and carrying it aloft marched up to the Capitol followed by the gladiators of Decimus, upon whom they relied for protection in case they were attacked. But at first they had no fears of the populace turning against them, and expected that there would be a general rising in their favor, when it became known that the tyrant, as they called Cæsar, was no more. As Brutus went along with his bloody dagger in his hand he shouted the name of Cicero, calling upon him as the representative of the cause of the Republic, and congratulating him on the restoration of liberty.[1] Several of the Senators, amongst whom were Cicero himself, and Lentulus Spinther, Favonius, Aquinus, Dolabella, and Pasticus, followed them up to the Capitol, where a crowd of people attracted by curiosity soon assembled, and Brutus addressed them in a speech which was loudly applauded. The chief cause of anxiety to the conspirators at this moment was the presence of a large body of Cæsar's veteran troops in the island of the Tiber, not far from the spot where the murder was committed, who were under the

[1] In the second Philippic Cicero assumes that this was done because Brutus thought the only parallel achievement was his own glorious consulship. "Perhaps," he says, "the cause of his appealing to me was because, when he had performed an exploit similar to mine, he called on me to bear witness that he had become a rival of my renown." That consulship was never out of his thoughts for a moment.

command of Lepidus, the Master of Horse; and it was impossible not to fear that they might in a sudden impulse of fury rush forward to avenge the death of their former general. No movement, however, of the kind appeared, and, reassured by the acclamations of the crowd on the Capitol, the assassins ventured down into the Forum, where Brutus ascended the Rostra and again addressed the multitude. He was well received, and all seemed to be going on favorably until Cinna, who was one of the prætors, rose to speak. He attacked the memory of Cæsar in language which so exasperated the mob that the whole body of conspirators, afraid of some violent outbreak, thought it prudent to retire and take up again their quarters in the Capitol.

Cicero advised that Brutus and Cassius should, as prætors, take upon themselves to summon a meeting of the Senate in the Capitol for the following day. The proper officers to convoke the Senate were the consuls; but one was lying a corpse on the floor, and the other, Antony, had fled, and was nowhere to be found. This was no time to stand on strict legal formalities, and the prætors had sufficient authority to act in such an emergency. Cicero's idea was that if the Senate could be got together, measures might be taken to establish a strong government and prevent the deplorable consequences which were likely to ensue by allowing the vessel of the State to drift in so stormy a sea without chart or pilot. He always afterwards regretted that his advice had not been followed, and it seems to have been the wisest course which, under the circumstances, could have been adopted. It was of the last importance to get the

machinery of regular government into play before a reaction should take place, and time be given to the partisans of Cæsar to recover from the terror into which they were thrown by his destruction. He was however overruled. Perhaps it was feared that the Senate might show itself hostile, or perhaps there was an unwillingness to take any step which might show distrust of Antony, whom they yet hoped to win over to their side. It is said, indeed, by Plutarch, that he had been sounded by Trebonius to see whether he would join in the conspiracy, and "very well understood him, but did not encourage it; however, he said nothing of it to Cæsar, but kept the secret faithfully." Perhaps so ambitious a man was not sorry to have Cæsar removed, well knowing that when the stage was left clear no one had so good a chance of climbing into the vacant seat as himself. He played his part with admirable skill, and by his profound dissimulation he for some time deceived everybody but Cicero, who, whatever he might think it politic to say in public, always distrusted him, and felt from the first that as long as Antony lived all that would be gained by Cæsar's murder was a change of masters.

Antony soon recovered his presence of mind when he found that his life was safe, and the first step he took was to secure Lepidus, who, in the night that followed the assassination, had occupied the Forum with his troops. For this purpose he hastily concluded an engagement, by which he promised to give his daughter in marriage to Lepidus's son, and to confer upon Lepidus himself the high office of Pontifex Maximus, which was vacant by Cæsar's

death. It had been proposed by the conspirators, when they took refuge in the Capitol, that Cicero should go to Antony and endeavor to persuade him to come forward and defend the Republic. But Cicero declined the errand, saying that he knew Antony too well, and that he would promise everything while under the influence of fear, but when the danger was over would show himself in his true colors. Next day Antony left his house, and negotiations took place between him and the party in the Capitol, but without any immediate result. In the mean time three of Cæsar's slaves had removed the dead body of their master from the spot where it lay, and carried it to his usual residence.

Antony next took an important step. He seized the whole of Cæsar's papers, and made himself master of his treasure, which had been deposited for safe custody in the temple of Ops, and amounted to the sum of seven hundred million sesterces, about six millions sterling. He summoned the Senate to meet him in the temple of Tellus on the following day, the seventeenth of March, and took care to guard all the avenues of approach by a strong body of soldiers; but none of the actual conspirators ventured to attend. Cicero was there and made a long speech, pleading earnestly for a general amnesty, and advising that all the appointments made and directions given by the deceased Dictator should be ratified and carried into execution, as the best mode of preserving peace. Piso, Cæsar's father-in-law, proposed that the contents of his will, which was in the custody of the Vestal Virgins, should be made known, and that he should have a public funeral. To both these resolutions the Senate agreed.

On the same day Brutus and Cassius invited the people to meet them on the Capitol, and declared to the assembled crowd that they would hold sacred the promise made by Cæsar to his soldiers that he would make a distribution of lands amongst them.

In the mean time Dolabella, who, as I have mentioned, had previously been nominated consul by Cæsar, to succeed him when he left Italy to conduct the war against the Parthians, assumed, much to the disgust of Antony, the consular office; and the two consuls summoned a meeting of the people in the Forum for the following morning, the eighteenth of March. Cicero attended and spoke again in favor of an amnesty, for which the Senate had voted on the previous day. The conspirators were invited to come down from their stronghold on the Capitol, but declined to do so until both Antony and Lepidus each sent a son to them, to be kept there as hostages for their safety. They then ventured to descend into the streets, and in token that a reconciliation was effected and the past buried in oblivion, Brutus supped that evening with Lepidus at his house, and Cassius with Antony. A meeting of the Senate was next held, and the allotment of provinces, as they had been already designated, was formally confirmed. Macedonia was given to Brutus, and Syria to Cassius. The will of Cæsar was read out publicly in the Forum, and its liberality to the populace produced a marked effect. This feeling was increased to a state of uncontrollable excitement when the funeral procession set out along the streets. The dead body was carried on a bier covered with a pall,[1] and when

[1] According to one account a wax effigy of the murdered Dictator was carried on the bier.

it reached the Forum Antony mounted the Rostra, and throwing off the cloak showed the blood-smeared corpse to the people, with its gaping wounds all exposed to view. He then addressed the horror-stricken crowd in that memorable speech which has been embalmed for us by Shakspeare in lines in which, as in the whole of his drama of Julius Cæsar, the imagination of the poet has observed faithfully the accuracy of the historian. It had been intended to burn the corpse on a funeral pile in the Campus Martius, but the people in a transport of fury collected hastily a heap of wood in the Forum by pulling down some of the neighboring shops, and placing the body upon it set it on fire.[1] They then snatched the burning brands in their hands and rushed along the streets to set fire to the building where the murder was committed, and also the houses of the principal conspirators. On their way they happened to meet an unhappy man, Helvius Cinna, one of the tribunes, and, mistaking him for his namesake Cinna the prætor, who had distinguished himself by his intemperate speech against the memory of Cæsar, they tore him to pieces on the spot.

This was the turning-point of the crisis. Hitherto it had been uncertain which side the populace would take. Even Lepidus, at the head of a body of veteran troops who were attached by every tie to Cæsar, had maintained a cautious neutrality, and declared that he would abide by the decision of the Senate. It was, however, now clear that the current of public opinion was setting in strongly against the conspira-

[1] Augustus afterwards built a temple on the spot, dedicated to the memory of Julius Cæsar. See App. *Bell. Civ.* II. 148.

tors, and their position became critical in the extreme. But Antony proceeded with wary caution. His great object was not to commit himself decidedly on either side, but as far as possible keep well with the partisans of Brutus and Cassius, until the time came when he could safely throw off the mask and act as he pleased. For some time he affected to desire nothing so much as moderate and conciliatory measures, and gained some popularity by voluntarily proposing in the Senate that the office of Dictator should be forever abolished.

It does not fall within the scope of this biography to give anything like a minute detail of events with which Cicero was not immediately concerned; and our business is to follow his fortunes, and see how they were affected by the sudden catastrophe which had changed the destinies of the Roman world. That there may be no mistake as to his hearty approbation of Cæsar's murder, I will quote a few passages from his subsequent letters, to show the terms in which he spoke of it. In one of them he says: — "Though everything goes wrong, the Ides of March console me. But our heroes have done gloriously and nobly what depended on themselves to do. What remains requires money and resources, of both of which we are destitute." In another, "Hitherto nothing pleases me except the Ides of March." In another, "Whatever perils they may endure, our heroes have one great consolation, — the consciousness of their grand and glorious deed." In another, "Our saviors will always be illustrious, blessed in the consciousness of their act." Writing to Cassius, he exclaims, "O that you had invited me to the feast of the Ides of

March: *there would have been no remains!*"[1] In other words, he would have advised that Antony should be killed. And he uses precisely the same expression in a letter to Trebonius.

But he deeply deplored the want of plan and foresight shown by the leaders of the enterprise. They trusted very much to the chapter of accidents, and thought that it was enough to kill Cæsar to establish the Republic on its old foundations. They forgot that the body politic was corrupt to its heart's core, and that a century of struggles and disorder had made the people careless as to the fate of the Constitution, provided they were fed and amused. Accustomed to largesses and bribes on a gigantic scale, they regarded political power chiefly as the means of securing benefits to themselves in the shape of corn, money, and theatrical shows, and the highest bidder was the man who generally obtained their votes. To Cæsar's rule they bowed their necks without a murmur, so long as the old names were kept, under which they fancied that Roman freedom was preserved; and Plutarch remarks, with reference to the attempt of Antony to place the kingly diadem on Cæsar's brow, that it was "a curious thing enough that they should submit with patience to the fact, and yet at the same time dread the name as the destruction of their liberty." Not so curious, however, as the Greek imagined, for men cling to shadows long after the substance has departed, and adhere obstinately to the forms of effete institutions, though no longer instinct with energy and life. It is

[1] Vellem Idibus Martiis me ad cœnam invitasses; reliquiarum nihil fuisset — *Ad Div.* XII. 4.

impossible not to wonder that men like Brutus and Cassius should have shown themselves so incapable of guiding the enterprise on which they had staked their lives. Their hope was that the people would rise *en masse*, and hail them as the saviors of Rome. But when they heard the execrations of the mob, and saw from the Capitol their houses in flames, they became, as it were, paralyzed with fear, and thought of nothing but providing for their personal safety. They hastily quitted Rome, and retired to the neighborhood of Antium to wait the course of events, intending to leave Italy if the news from the city continued to be unfavorable. It was contrary to law for them, as prætors, to absent themselves from the city for more than ten days, and they therefore obtained a dispensation from the Senate for that purpose. So careful were they to observe legal forms, even at such a crisis of terror and confusion.

Cicero was not the man for an emergency like this. He hastened away from Rome, where he felt that he was powerless, and for the next few months wandered from one villa to another, at Tusculum, Formiæ, Sinuessa, Puteoli, Pompeii, and Naples, pouring out his complaints in letters to Atticus, and seeking distraction from politics in philosophy and literature. In April we find him in the neighborhood of Rome, where he paid a visit to Mutius, an intimate friend of Cæsar, who was a shrewd observer of passing events, and saw clearly that the game which the conspirators had played was lost. He told Cicero that nothing could be worse than the present state of things, and there was no getting out of the difficulty. "For if Cæsar," he said, "who was gifted

with so powerful an intellect, could not extricate the State from its perils, who can do so? All is ruined." Upon which Cicero remarks, "Perhaps he is right." Mutius told him that Cæsar had said of Brutus, "It is of great importance what he wishes: whatever he wishes he wills strongly;" and he mentioned that once, when Cicero called on Cæsar at his house, and sat down to wait until he was summoned to his presence, Cæsar had observed, "How can I doubt that I am unpopular? how can I be such a fool as to believe that this man is my friend, when he sits so long to wait my convenience? I do not doubt that he hates me heartily;" meaning that so much ceremony would not be used by his visitor if they had been on terms of friendly intimacy together. Cicero was pleased to hear that the populace had applauded in the theatre at the Megalesian Games when the actor Publius had repeated some lines which were caught at as complimentary to Brutus and Cassius. After staying only a day at his Tusculan villa, he proceeded to Lanuvium, from which place he wrote to Atticus, regretting that he had not applied to the Senate for an honorary legation (*legatio libera*), which would have given him an excuse for leaving Italy, but he had been deterred from an unwillingness to appear afraid at the unsettled aspect of affairs. He saw that everything looked gloomy. The satellites of the tyrant were, he said, in power, — in command of armies, and attended by Cæsar's veteran soldiers as body-guards; while the conspirators, who ought to have been protected by the whole world, and not only applauded, but exalted to high office, were compelled to shut themselves for safety in their houses.

The townspeople in the provinces were, he said, enthusiastic in their joy at the death of Cæsar, and flocked to him in numbers, anxious to hear all he had to tell them on that thrilling theme.

On the sixteenth of April he reached Puteoli, and stayed several days at his villa in the neighborhood. He was here gratified by receiving satisfactory letters from his son at Athens, written in a style which showed learning and scholarship. This, Cicero remarked, was a proof that he was making progress in his studies, whether the sentiments he expressed were genuine or not. Most probably they were written in Greek. He begged Atticus, who generally managed his pecuniary affairs during his absence from Rome, to see that the young man was liberally provided with money. Just about this time a friend named Cluvius left him some property at Puteoli, part of which consisted of shops. Two of these, he said, had tumbled down, and the rest showed ominous cracks in the walls, "therefore not only the tenants but the mice have emigrated." "Others," he continued, "call this a misfortune; I do not call it even an inconvenience. Good Heavens! Now I care nothing for such things. . . . It were better to have died a thousand times than endure this state of things, which seems likely to be permanent." It was here that a copy was sent him of Antony's speech at Cæsar's funeral, and he declared that he had hardly patience to read it. Here also he met Balbus, Lentulus, Hirtius, and Pansa, the last two of whom had, as we may remember, taken lessons in declamation under him, and he sometimes in jest calls them his pupils. Their position as consuls elect for the next

year gave them some importance, and made Cicero anxious to ascertain what were their political views, and how far they might be relied upon. But another person, who was destined to play a far more conspicuous part in the coming contest, was in the immediate neighborhood, and had frequent interviews with Cicero. This was the young Octavius, then only eighteen years of age, who was staying at the residence of his step-father, Philippus, near Puteoli, and treated the veteran statesman with the most deferential attention and respect. He had been sent by Cæsar, who was his great-uncle, to Apollonia in Epirus, to finish his education there, and was to have accompanied him to the East when he set out on the Parthian campaign. He there heard the news of the murder, and also that his uncle had adopted him by will as his heir, and bequeathed to him three fourths of his property. He immediately quitted Apollonia, and reached Naples on the eighteenth of April, declaring that he came to take possession of his inheritance. His immediate retainers already saluted him with the name of Cæsar, but Cicero observed that his step-father, Philippus, did not, and he therefore himself abstained from giving him the title, although he was pleased with his demeanor, and considered him quite devoted to himself. Many of Cæsar's veterans who were in the neighborhood rallied round Octavius, and called upon him to avenge his uncle's death. He hastened on to Rome, and reached the city at the end of April, declaring that he came only to receive his inheritance. Antony was at this juncture in Campania, where he had gone to gain over to his side the legionary soldiers, who were quartered

there in considerable numbers, many of them being settled as colonists on lands bestowed upon them by the liberality of Cæsar. He did not return to Rome until the middle of May, when Octavius reproached him with his delay in punishing the assassins of Cæsar, and demanded that his own adoption should be ratified with the usual legal forms. This, perhaps was not so easy, even if Antony had been disposed to comply, for it was the first instance known at Rome of an adoption by will. Hitherto such an act had only taken place *inter vivos*, but it was no time to stand upon technicalities. Octavius, however, did not carry his point as to the adoption until the following year, but in the mean time he assumed the names of Caius Julius Cæsar Octavianus — exchanged afterwards for the well-known title of Augustus. In future we shall speak of him as Octavian. He also demanded that the property bequeathed to him by Cæsar should be made over to him; but Antony replied that the treasure belonged to the State. He had already made free use of it for his own purposes, and paid off an enormous load of his own and Dolabella's debts, hoping thereby to secure the friendship and support of his profligate colleague. His unwillingness to accede to Octavian's wishes was the foundation of the hostility which sprang up between these two competitors for power, and the contest was carried on under various phases, until, after a short interval of apparent but hollow reconciliation, it ended, as everybody knows, in the destruction of Antony, and the elevation of Octavian to an imperial throne.

CHAPTER XXI.

VACILLATION. — DEPARTURE FROM ITALY AND SUDDEN RETURN TO ROME.

ÆT. 63. B. C. 44.

In the mean time Cicero remained quietly in the country, and kept up an active correspondence with Atticus at Rome. His friend wrote and asked him whether he preferred the hilly scenery of Arpinum or the prospect of the sea at Puteoli. Cicero replied that both were so pleasant that it was difficult to say which he liked best. He foresaw that a Civil War was at hand, but expected it in a different quarter from that in which it actually broke out. Sextus, the only surviving son of Pompey, was in arms in Spain, and Cicero's idea was that the first blow would be struck by him. He was, as usual, terribly perplexed as to what course he should adopt. He felt that he could not now remain neuter in the contest, as he had done in the closing scenes of the struggle between Pompey and Cæsar; for, as he told Atticus, he was sure that all who had shown joy at the death of Cæsar, in which number he included himself, would be regarded by the other side as enemies, and proscribed. The result, he said, was that he must join either the camp of Sextus or of Brutus; but either was an odious alternative, and ill suited to

his years, especially when he reflected on the uncertainty of war. He added, in a loftier tone, "Let me consider what is my duty, and, whatever happens, let me bear it with fortitude and wisdom, remembering that it is one of the accidents of mortality; and let me console myself chiefly with literature, and not a little with the recollection of the Ides of March." But he continued to halt between two opinions, and was in a state of painful irresolution as to the line of conduct he should adopt, taking Atticus into his counsels, and confiding to that tried and trusted friend all his anxieties and fears.

It was about this time, or perhaps earlier, that Quintus and Pomponia, who must have long been heartily sick of each other, put an end to their matrimonial squabbles by a divorce. Quintus, who seems to have been generally in money difficulties, was hard pressed to find the means of restoring his wife's dowry — the inevitable consequence of a divorce under the Roman law. A rumor got abroad that he intended to marry another lady, named Aquillia, but Cicero said that his brother was utterly averse to the thought of a second marriage, and, in the joy of his newly acquired freedom, declared that nothing was more delightful than a bed all to himself.

Knowing, as we do, the rooted dislike of Cicero toward Antony, we might be surprised at the tone of a letter which he wrote to him from Puteoli, if we had not frequent examples of the dissimulation which he allowed himself to practise from political motives, and which, if we did not possess his confidential correspondence, would have given us an entirely erroneous impression of many of his opinions of

the men and events of his time. Antony wished to recall from exile Sextus Clodius, who had been, as we may recollect, banished from Rome for the part he took in the riotous proceedings that occurred at the funeral of his relative, Publius Clodius. Antony pretended that he had obtained from Cæsar a promise that Sextus should be restored; but as no one was more interested in the question than Cicero, of whom the whole Clodian family was the implacable enemy, he wrote to him a complimentary letter to try and obtain his consent, saying that without it he would not take upon himself to recall Sextus, however much he desired to do so. Cicero sent this letter and a copy of his answer to Atticus, and, by way of comment, told him that the request on the part of Antony showed such disgraceful baseness that he sometimes almost wished to have Cæsar back, — for, by forging documents, he pretended that Cæsar had expressed wishes utterly irreconcilable with the whole tenor of his acts and policy. "But," he added, "I have shown myself perfectly ready to humor Antony. For, as he had made up his mind that he could do as he liked, he would have done it whether I liked it or not." This may be so, and we might therefore have expected to find a civil compliance with Antony's request, and no more. But this was not Cicero's way of doing things. He wrote a letter full of the warmest expressions of friendship for Antony, declaring that he had always loved him, but now his conduct at the present crisis had so endeared him that he esteemed no one more! He at once granted Antony's wish, and assured him that he would always comply with his requests and pro-

mote his interests, without hesitation, and with the utmost zeal.[1] This letter was afterwards produced by Antony in the Senate, and read by him when he replied to the speech of Cicero known as the first Philippic. His object was to show the contrast between the expressions of respect and friendship for himself which it contained, and the very different language of the public attack. In his second Philippic Cicero animadverted severely upon this as a betrayal of confidence, and as taking an advantage of which no man of honor would avail himself.

"For who," he asked, "that was ever so little conversant of the usages of gentlemen, when some cause of quarrel had arisen, ever brought forward and read in public letters which had been sent him by a friend? To render impossible the confidential intercourse of absent friends, what else is it than to deprive life of all fellowship and communion? How many things are there in letters said in jest which if they were published would seem silly! how many things said seriously which yet on no account ought to be divulged!"

There is a good deal of truth in the last two sentences, and it would be well, perhaps, if biographers would bear it in mind oftener than they are disposed to do. But as to the assertion that, when a man is attacked as having been infamous all his life by one who professed to be his friend, he may not use former letters to show the opinion which that person then expressed of his character or conduct, it is carrying the rule too far which forbids confidential communications to be divulged.

[1] It is fair to remember that up to this time there had been no rupture between Cicero and Antony, and they had lived on terms of apparent if not very sincere friendship. In a letter to Tiro about this date he expresses his wish to retain "Antonii inveteratam sine ullâ offensione amicitiam." — See *Ad Div.* XVI. 23.

It is worth noticing, as an illustration of the difference between ancient and modern ideas on the point of honor, that in the same speech, immediately after accusing Antony of a breach of good manners in reading his letter, in order to show that he was guilty not only of an indecorum but a folly, Cicero made use of an argument which would certainly not have occurred to an orator at the present day. He said, —

"But what would you have to urge in reply if I were to deny that I ever sent you that letter at all? By what evidence would you convict me? Is it by the handwriting? a thing in which you have an expertness which you know how to turn to good account. (This was a bitter allusion to the forgeries of Cæsar's handwriting with which Antony was charged.) How could you do so, since it is in the hand of a secretary? I really envy your master in rhetoric, who got such a large salary to teach you nothing. For what is more stupid, I do not say in an orator, but an ordinary man, than to allege that against an adversary which if the adversary denies, the assailant cannot advance a step further. But I do not deny it."

We may well believe that it never flashed across Antony's mind that Cicero, a senator and ex-consul, would get up in his place and deny the genuineness of his own letter. The idea of such a defence being set up could only occur where the party attacked was supposed to be base enough to resort to a lie, and in that case the assailant would generally take care to be furnished with some evidence to confute him.

He wrote at the same time to his quondam son-in-law Dolabella in terms of extravagant praise, because he had just put down with stern vigor a tumult at Rome, and punished some of the ringleaders with death. Cæsar was a favorite with the

lower classes, who remembered with regret the shows and feasts with which he had entertained them, and the money he had more than once distributed amongst them. Some persons had erected a stone pillar twenty feet high in the Forum to his memory, on the spot where his body was burnt, with an inscription upon it, CÆSARI PARENTI PATRIÆ, and sacrifices had been actually offered there as if it were an altar. This was going rather too far, and Dolabella, as consul, ordered the pillar to be thrown down. A riot ensued, which was soon quelled, and the most active of the leaders were seized and executed. It was this act that drew forth such extraordinary encomiums from Cicero that Atticus felt obliged to remonstrate with him. It is not worth while to quote the letter to Dolabella, which may be described as one long panegyric in Cicero's most complimentary style. And yet immediately afterwards we find him writing to Atticus, and saying that it would be a much greater action on the part of Dolabella if he would only pay the money he owed him — meaning Tullia's dowry — which had never yet been restored by her worthless husband. Cicero frequently harped on this subject, and was obviously much annoyed at the delay and poor prospect of recovering the money.

He left Puteoli, and went to his villa near Pompeii, but first did an act of kindness to Pilia, the wife of Atticus. For some reason, probably on account of health, she wished to reside for a short period in the country; and Cicero gave up to her his Cuman villa on the shore of the Lucrine lake where he took care that she should have every com-

fort, and left her the key of the cellar.[1] He wished himself to travel as far as Athens, and pay a visit to his son, for he rather distrusted the accounts he had of him. He was not satisfied with a letter he received from a distinguished Athenian named Leonidas, who, although he spoke favorably of the young man, used the expression "so far as at present," and Cicero thought that this betrayed some misgivings as to the future. But he was glad to have any excuse for leaving Italy just then, and only lingered because he was uncertain of the plans of Brutus and Cassius. All his hopes were fixed on them, and especially on Brutus, whom he regarded as the last stay of the cause of the Republic. Atticus advised him to give up politics; but, with all his disgust at the turn things were taking, he could not bring himself to change the whole habit of his life. He was more than ever convinced of the want of foresight shown by the conspirators. Their deed, he said, was the deed of men — their counsels were the counsels of children. "Old age," he added, "has made me bitter — I am dissatisfied with everything. But my life is over: let the young see to it." He was determined, at all events, to have nothing to do with war. He had seen enough of it in the last contest, and had a lively recollection of the miseries of a campaign when he joined the standard of Pompey in Epirus. "Anything," he now exclaimed, 'rather than a camp! It would be better to die a thousand deaths, especially at my time of life." A meeting of the Senate had been summoned for the first of June, and he wished to be present, but his

1 Cui quidem ego totam villam cellamque tradidi. — *Ad Att.* XIV. 9.

friends advised him to stay away, for they heard that secret preparations were being made to have in readiness a body of troops, and it was feared that an attack would be made upon those who had shown themselves the enemies of Cæsar. He was distressed at hearing of the sudden death of his friend and medical attendant Alexio, and then wrote to Atticus: —

"What a sad event is this of Alexio! It is incredible how much sorrow it has caused me, and, believe me, by no means chiefly for the reason which people assign when they say to me, 'Whom will you get for a physician?' What have I now to do with a doctor? or, if I require one, is there such a dearth of them? What I regret is his affection for me — his kindness — his agreeable disposition. Besides, I cannot help thinking what cause there may not be for alarm when such a disease has so suddenly carried off a man so temperate in his habits, and a physician of such eminent skill. But in all this I console myself by reflecting that we are born to bear all accidents which can happen to mortal man."

It seems that about this time some lady had fancied that Cicero was in love with her, because he had paid her a few compliments. The passage in which he alludes to it is obscure, as almost all the passages are in which he hints at his domestic affairs, but the purport of it apparently is that either he or the lady herself was too old for him to think of marrying her.

Brutus sent him a copy of the speech he had delivered when he addressed the people in the Capitol immediately after Cæsar's death, and, intending to publish it, wished Cicero first to peruse it, and make such corrections as he thought advisable. As the speech must have been extempore, it was either taken down by some one on the spot, or Brutus wrote it

out afterwards from memory. But Cicero said he could not correct it. His style was so different from that of Brutus, that the two would not amalgamate. Atticus wished him to compose an oration himself, and pass it off for the one which Brutus had spoken in the Capitol, but he naturally refused, as Brutus was publishing his own. He said that the time would come when he would say and write a good deal against the tyrant who was so justly put to death — but not then, nor in that way. He sometimes spoke of the murder with a levity which is disgusting; as, for instance, when in one of his letters he describes the victim as "the man whom our friend Brutus wounded." Sometimes his expressions were quite savage. Thus, alluding to the ruinous course public affairs were taking, he said: —

"If things go on in the way that seems likely, the Ides of March give me no pleasure. For either he (Cæsar) would never have come back (from the Parthian war), or at all events I was in such favor with him, *whom I wish the gods may damn now that he is dead!* (*quem dii mortuum perduint!*) that at my time of life I need not have shrunk from him as a master, since though our master is killed we are not free."

Antony had contrived an ingenious mode of doing very much as he liked under the pretence that he was only carrying out the directions left by Cæsar, which, as has been mentioned, the Senate agreed to ratify. His plan was neither more nor less than one of wholesale forgery. Having possessed himself of Cæsar's papers and secured the coöperation of his late secretary Faberius, he forged a great variety of edicts and orders, and declared that he had found them amongst the documents left by the Dictator. We do not know the exact means by which the fraud

was perpetrated: whether he got Faberius to imitate the handwriting, or made use of Cæsar's seal and attached it to papers which Faberius filled up under his directions. Neither is it easy to understand why edicts, which had never been published while Cæsar was alive, should have a posthumous validity given to them after he was dead. It may be that the whole were considered by the Senate to be in the nature of testamentary papers; and they were willing to carry into execution all the wishes expressed in them, as if they were giving effect to an ordinary will. And Antony made an unsparing and profitable use of the opportunity. He sold appointments, franchises, and titles, all of which he pretended to draw out of the Fortunatus's bag which he had found in Cæsar's strong-box. People were astonished to see edicts appear, of which no one had ever heard; they were engraved on brass tablets in the usual manner, and hung up on the Capitol; and even resolutions of the Senate were quoted, of which that body was entirely ignorant. Thus Antony, as Cicero remarked, was able to do more in the name of Cæsar after he was dead, than Cæsar himself could or would have done if he had been alive. "Though the king," he said, "is slain, we pay deference to every nod of his majesty."

He got back to his Tusculan villa before the end of May, and wrote to Atticus declaring that he was resolved, as at present advised, to keep away from Rome. He wrote also to Antony to request that he might have a legation given him, which would enable him to leave Italy without injury to his reputation. But his anxiety on this point was soon afterwards

relieved by Dolabella, to whom the Senate had given the government of Syria with a military command, in order that he might conduct the campaign against the Parthians; and on the second of June he made Cicero one of his lieutenants, giving him a general permission to employ his time as he pleased and travel where he liked. He could thus go away from Italy without seeming to fly, and might escape from the difficulty of his position under the pretext that he was obeying the orders of Dolabella. He determined, therefore, to visit Athens and stay there until the end of the year, when he hoped that a new and better era would dawn for Rome under the consulship of Hirtius and Pansa.

He turned his steps southwards, and travelled slowly along the western coast, stopping at one or other of his various country-houses, and keeping up a correspondence with Rome. He was in hopes that he might be able to accompany Brutus to Greece, for the sea was infested by pirates, and Brutus and Cassius had a small fleet of ships lying in the neighborhood of Naples ready to convey them away at a moment's notice. The provinces which Cæsar had assigned to them, namely, Macedonia to Brutus and Syria to Cassius, had been taken from them through the influence of Antony, who knew that it was dangerous to allow them to assume such important commands; and in their place the Senate had given Brutus Crete and Cassius Africa. Trebonius got Asia Minor, Tullius Cimber Bithynia, and Decimus Brutus Cisalpine Gaul, the modern Lombardy. But Brutus and Cassius were determined not to be thus put off; and, as is well known, Brutus ultimately

landed in Macedonia, and there at Philippi fought and lost the decisive battle which made Antony and Octavian for the time joint masters of the Roman empire. Cicero had an interview with him at Antium in June, at which his mother Servilia, his sister Tertulla the wife of Cassius, and his own wife Porcia, together with Favonius, were present. The question was debated what course it was best to adopt. Cicero's advice was that Brutus should undertake a commission to purchase grain in Asia for Rome, which the Senate had imposed upon him, or at all events make use of it as a pretext for leaving Italy While they were discussing the matter, Cassius arrived. He had a similar commission for Sicily, but declared in a fierce tone that he would not go there on such a contemptible errand, but would cross over to Achæa. The utter want of purpose and plan betrayed in the conversation greatly disappointed Cicero,[1] and made him more than ever resolved to avail himself of the appointment given him by Dolabella and leave Italy. He said that the kind of free legation he had received, with permission to come and go as he pleased for five years, exactly suited him. Then suddenly recollecting the time of life he had reached, he added, "But why should I extend my thoughts to a period of five years? My span seems likely to be a contracted one; but let me avoid words of ill omen." Whether ominous or not, the words were prophetic, for before the end of the next year Cicero was no more.

He was not without hopes that they might rely on Octavian, who was, he thought, animated by feelings

[1] Nihil consilio, nihil ratione, nihil ordine. — *Ad Att* XV. 11.

of good-will towards his "heroes," as he was fond of calling Cassius and Brutus. But natural misgivings came over him when he remembered his youth, his adoption of Cæsar's name, the inheritance he had received, and the training in which he had been brought up. As had been frequently the case ever since his return from exile, he was now, owing to the bad management of his steward, hampered in money-matters, and was obliged to have recourse to borrowing. He had been laying aside some of his rents to pay the cost of the shrine which he still intended to erect to the memory of Tullia, and had lent money to others, which he could not always call in when he wanted it. He found that his son Marcus had not had for a full quarter any remittance; he therefore applied to Atticus and begged him to give the young man credit at Athens for a year's allowance, referring him to his steward for payment, and he sent his trusty factotum Tiro to Rome to see to all these matters. He was the more anxious to supply his son's wants liberally, as he heard excellent accounts of him, and the letters he received from him were of the most satisfactory character. Atticus was already out of pocket by advancing him money at Athens, which surprised Cicero, who begged him to inquire of his steward what had been done with the rents of the houses which we may remember he had appropriated for his son's use while abroad, and thought it an ample allowance.

The ranks of what we may call the opposition, that is the party of Brutus and Cassius, were now joined from an unexpected quarter. Young Quintus, who had made himself so useful to Antony, and

stood so steadily by him that he was called his right hand, quarrelled with him for some reason or other, and went over to the other side, to the great joy of his father, and also of his uncle, who was very glad to get him away from Rome, where he had been doing them both mischief. He came to Cicero at Puteoli, and was introduced by his uncle to Brutus in the little island of Nesis, opposite, where Brutus was staying. Quintus was going back to Rome, and wished to have a letter to Atticus from his uncle, as a kind of guaranty that he might be trusted by the party. Cicero therefore wrote one full of the highest praises of his nephew, and emphatic assurances of his sincerity. This he delivered open to his nephew that he might see what he had said of him, but took care to write at the same time privately to Atticus, and put him on his guard; cautioning him not to give much credence to the complimentary terms in which he had spoken of Quintus in the other letter. In point of fact, however, the young man showed that he might be depended upon. He adhered faithfully to the side he now adopted, and fell a victim to the proscription before the end of the following year.

Brutus wished Cicero to go to Rome and be present at the games of Apollo, which were about to be celebrated in his name as prætor. But he declined on the ground that it would be very unbecoming for him to visit the city for the sake of amusement at such a time, to say nothing of the danger to which he might be exposed. The games were advertised to take place in the month of *July*, which name had been substituted for Quintilis, in honor of Cæsar;

and Brutus was much annoyed at this, thinking naturally that it was very inconsistent that games exhibited by him who had been the assassin of *Julius* should be announced to take place in *July*, as if he meant to pay posthumous honor to the memory of his victim. He therefore wrote to Rome, and gave directions that a hunting-match which was to follow the Apollinarian games should be advertised to take place III. ID. QUINT. He was not without hopes that the people would be ingratiated by the splendor of the spectacles he gave them; but in bidding thus for popular favor he was outdone by Octavian, who distributed largely money amongst the lower classes, and thus gained for himself the voices of the mob.

During all this time, since he had left Rome, Cicero had been actively engaged in literary composition, and we owe to a period so full of anxiety and alarm some of his most celebrated works. His intellectual activity was never greater than in the last two years of his life, and his chief consolation was the study of philosophy, and devotion to what we may call the *belles lettres*. He wrote or finished his three books *De Naturâ Deorum*, and dedicated them to Brutus; also the work *De Divinatione*; and he occupied himself in giving the last touches to a history of his Own Times, upon which he had been for some time engaged. His son published it after his father's death, but it is entirely lost. He wrote also treatises on Glory (*De Gloriâ*) and Destiny (*De Fato*), the latter of which only exists in a mutilated form.[1] He sent the *De Gloriâ* to Atticus just before he em-

1 The essay *De Gloriâ* disappeared within the last five centuries. It was in existence in the time of Petrarch.

barked for Athens, with strict injunctions not to publish it, but only allow it to be read aloud in the presence of a few friends — "audience fit though few" (*bonos auditores nactus*) — at a supper-table, according to a custom which was one of the intellectual recreations at Rome. He also composed two of his most delightful essays, those on Friendship (*De Amicitiâ*), and Old Age (*De Senectute*). He commenced, besides, his work *De Officiis*, the best manual of ethics which has been bequeathed to us by heathen antiquity, and prepared for publication a collection of his letters; telling Atticus that he must supply some of them, and that Tiro had about seventy which he would look over and correct. Most probably the edition did not appear until after his death.

We cannot but admire the industry and genius which enabled him, when his mind was depressed by sorrow, and he saw the institutions of his country crumbling to ruin and her liberties the prize of the most successful adventurer, to distract his thoughts from the chaos of politics, and employ them on such lofty themes. It seemed like the sun bursting through the clouds, and while all was dark and dreary for him in the stormy world of action, he expatiated with more delight than ever in the calm regions of contemplation and philosophy.

He was still anxious to sail from Italy in company with Brutus, having given up the idea of embarking at Brundusium, the usual port for Greece, as he heard that some of the legions which were quartered in Macedonia, waiting to march to the East for the Parthian campaign, and which Antony had sent for,

were expected there; and he did not think it safe to trust himself in close contact with Cæsar's soldiers. But Brutus was dilatory, and at last Cicero would wait no longer. He had several interviews with him in the island of Nesis, where also he met Cassius, who lay off Naples with a squadron of ships. News had come from Rome that when Atticus's play of Tereus was acted during the games, the spectators had loudly applauded some passages which expressed hatred of tyranny; but Cicero remarked that it gave him more sorrow than joy that the people employed their hands in clapping at a theatre, instead of defending the Republic.

All was at last ready for his departure, and before he set out on his voyage he wrote a parting letter to Atticus, telling him that, amidst the conflicting emotions he felt at leaving Italy, he was chiefly affected by the thought that he was separating from him. The two friends had taken an affectionate leave of each other at Tusculum some time before, and Atticus had written and told him how he had wept after the adieu. Cicero replied that if he had done so in his presence it would perhaps have made him abandon his journey. Their attachment seemed to increase as time wore on, and few things in Cicero's correspondence are more pleasing than the warm interest he took in his friend's happiness. He was especially fond of Attica, the daughter of Atticus, whom he describes as a girl of a merry disposition — "the best a child can have";[1] and he often sent her kisses and

[1] Atticæ, quoniam (quod optimum in pueris est) hilarula est, meis verbis suavium des. — *Ad Att.* XVI. 11.

Piliæ salutem dices, et Atticæ, deliciis atque amoribus meis. — *Ib.* XVI. 6

affectionate messages when he wrote to her father, sometimes playfully styling her his love. In the last letter before he sailed he said, "Pray, give a kiss for me to my absent Attica. She deserves this for the kind compliments she sent me in your letter." He was hardly satisfied that he did right in going away, and, wretched sailor as he was, shrank from the idea of even the short sea passage to Athens. He said: —

"I leave behind me peace, that I may return and find war; and I shall spend in travelling the time that I might have passed at my country-seats, where I have good houses and pleasant scenery. But my consolation is this: I shall either be of some use to my son, or shall be able to ascertain how far progress is possible with him. Besides, you will come as you promise, and as I hope; and if this be so, everything will go on better with me."

He sailed from Pompeii on the sixteenth of July with three small vessels and some open-decked boats,[1] and coasted towards Rhegium (*Reggio*), opposite to Messina. On his way he landed at the town of Velia, where his friend Trebatius had a villa, but only stopped there a day, as the proprietor was absent, and then proceeded on his voyage. He amused himself on board ship by writing his "Topica," a sort of compendium of a work of Aristotle of that name. Before he reached Rhegium he paid a flying visit to Sica at Vibo, remembering the kindness he had received from him when he was in former days an exile from Rome; and he was again entertained by him so hospitably that he almost fancied himself at home. Here he wrote to Atticus, and amongst other things told him that he had discovered a mistake he had made in prefixing a

[1] Tribus actuariolis, decem scalmis. — *Ad Att.* XVI. 3.

preface to his essay on Glory, which he had already used as a preface to his Academics. He had therefore composed a new one, which he sent him, and begged him to "glue" it into the book, and cut out the other. With his habitual irresolution he had already begun to repent the step he had taken, and longed to be back at his beautiful villas — those "eyes of Italy," as he called them. It was the old story: having decided on a course of action, he conjured up all kinds of difficulties against it. The thought of the debts he had left behind pressed heavily upon him, and he begged Atticus in Heaven's name to liquidate them for him.[1] He had not yet paid back the dowries of his two successive wives — at all events Publilia's was due; and he had to settle a balance still owing to Terentia.

He crossed from Rhegium to Syracuse, which he reached on the first of August; and although most warmly welcomed by the inhabitants who had not forgotten his quæstorship in Sicily, and his conduct of the impeachment of Verres, he stayed there only one night. Next day he embarked and made for the open sea, but adverse weather drove him back to Leucopetra, a promontory near Rhegium. He again set sail, but was again forced back by a southerly wind. It seemed as if the elements had conspired to prevent the prosecution of his voyage, and he afterwards told Atticus that he owed hearty thanks to the winds for doing so, and thus relieving him from the obloquy to which his journey exposed him. He landed, to wait for a favorable breeze, at the villa of his friend Valerius, and here he received in

[1] Nomina mea, per deos, expedi, exsolve. — *Ad Att.* XVI. 6.

telligence which entirely changed his plans, and made him abandon all idea of quitting Italy.

Some of the principal citizens of Rhegium, who had just come from Rome, paid him a visit at Valerius's villa, and brought important news. Antony had convoked a meeting of the Senate for the first of September, and it appeared as if he were anxious to effect a reconciliation with Brutus and Cassius. The Rhegians showed Cicero a copy of a speech which the consul had addressed to the people, and the tone of it so pleased him that he determined at once to return to Rome, too happy to abandon a voyage of which he was already heartily sick. He embarked on board his vessel and retraced his course to Velia, which he reached on the seventeenth of August. Here he found a letter from Atticus, the tone of which slightly annoyed him; for it seemed to blame his departure, and to assume that it required some satisfactory explanation, although Atticus himself had previously approved of it. But Cicero did his friend the justice to believe that he had some good reason for changing his opinion. Brutus, whose ships lay a short distance off at the mouth of the river Hales, hastened to meet him, and they had their last interview. Brutus expressed great joy that Cicero had given up the idea of leaving Italy, and told him there was a calumnious report that he had gone to Greece to amuse himself at the Olympian games, which, for some reason not very intelligible to us, Cicero declares would have been disgraceful at any period, and at the present crisis utterly indefensible. Why would it have been disgraceful for him at any time to have been a spectator of the Olympian festival, at which

Alexander had declared that he would enter the lists if he could have kings for competitors? It may be that those once famous games had sunk so low in repute that it would have been as derogatory to the dignity of a Roman Senator to go and see them as for a grave English statesman to take part in the merriment of Bartholomew fair. But we must remember how strong was the contempt felt by the proud Romans for the whole Greek nation — a contempt which constantly appears in the tone in which it is spoken of by the Latin writers; and perhaps they thought the best games of Greece little better than a raree show, when compared with their own gigantic exhibitions in the theatre, their sham sea-fights, and combats of wild beasts and bloody gladiatorial matches.

Cicero travelled in all haste, and reached Rome on the last day of August. He met with a most enthusiastic reception at the gates. Plutarch says such multitudes flocked out to meet him, that the compliments and civilities which were paid him there and at his entrance into the city took up almost the whole day. He must have been vividly reminded of his return from exile, thirteen years before, when similar honors were bestowed on him, and he was welcomed back by his fellow-countrymen, who, as is so often the case, appear to have valued him most when his absence had made them appreciate his worth And, with all his faults and weaknesses, who was there then in Rome who could compare with him in reputation? The greatness of his intellect dwarfed that of every other man alive; and, indeed, there were none left who were more than ordinary men.

Antony and Dolabella were distinguished chiefly by profligate ambition and licentious morals. Octavian was not yet known to fame, or was known only as the inheritor of a lofty name. The great actors had left the stage: Cato, Pompey, Curio, and Cæsar slept in bloody graves. Brutus, who had something of the old Roman stamp of fortitude and virtue, was a fugitive abroad. Not an orator existed in Rome. The vessel of the state was adrift, and no one knew who would seize the helm and make himself master of the liberties of his country. There was a gloomy foreboding that the appeal must be once more to the sword, and that the Republic would again have to bow her proud neck beneath the domination of a ruler. Between the Senate and the consuls there was a state of sullen hostility. Dolabella was odious for his vices; and his conduct as a politician in the lifetime of Cæsar, when, presuming upon the support of the Dictator, he had proposed the nefarious measure of a national bankruptcy by relieving debtors from the obligation of paying their debts, was neither forgotten nor forgiven. Antony was not merely mistrusted, but hated by the senators, who saw in him another Cæsar, without his nobleness of nature or commanding intellect, and who, in silent amazement, had witnessed the impudent forgeries he had passed off as edicts and decrees which they themselves had agreed to ratify.

No wonder, then, that Cicero was welcomed back with an enthusiastic greeting. The faint-heartedness he betrayed when pouring out his soul to Atticus was not known to the public. He had shown a bold front in many great emergencies, and his matchless

eloquence in the Senate and on the Rostra had often decided questions in critical moments of difficulty and danger. No wonder, then, that both senators and people longed to hear that voice again, and to listen to the words of counsel that would flow from those persuasive lips. And he did not disappoint their expectations. At no period of his career was he so truly great as in the closing scenes of his life Overawed by the genius of Cæsar, and attached to Pompey by personal regard and an exaggerated feeling of gratitude, but without faith in him as a statesman or a general, he had hesitated and oscillated in a pitiable manner throughout the Civil War; but now his course was clear, and his duty manifest. He had cast in his lot with the regicides, and he was resolved that, come what might, he would stand the hazard of the die. When he discovered that the hope which had lured him back to Rome was illusory, — the hope, I mean, that Antony was going to act the part of a patriot, and heal the intestine wounds of the commonwealth, — he opposed him with a boldness which reminds us of the consul in the days of Catiline, and denounced him with a violence which showed that he took small thought of his own safety. It may be, and I believe it was, that a sense of personal affront mingled not a little with the motives which led him to attack Antony with such unsparing virulence; but the cause he defended admitted of no compromise with a man like him, who, if he were not destroyed, would be the destroyer of the liberties of Rome.

CHAPTER XXII.

QUARREL WITH ANTONY. — THE SECOND PHILIPPIC. — MOVEMENTS OF ANTONY AND OCTAVIAN.

Æt. 63. B. C. 44.

There was to be a full meeting of the Senate on the morrow, and it was known that Antony intended to propose a public thanksgiving in honor of Cæsar's memory. It was the duty of every senator to attend, under the penalty of a fine, just as it is the duty of every member of the British Parliament to be in his place when there is a call of the House. But when the morning came, and the Senate assembled, Cicero did not appear. He could not, without the grossest hypocrisy and inconsistency, support a motion by which Cæsar would be almost deified, and he did not wish to oppose it, for this would have made a breach with Antony, and frustrated the hopes he cherished of being able to act with him in the service of the State. He therefore stayed away, and confined himself to his house on the Palatine, on the plea that he was unwell from the fatigue of his rapid journey. It was the business of the consuls to see that the summons to attend was obeyed by the senators, and Cicero — more out of courtesy, and as a matter of form, than because he thought any serious notice would be taken of it — sent a messenger to Antony

to excuse his absence. The effect it produced is difficult to explain. It threw Antony into a paroxysm of rage: he rose from his seat in the Senate, and declared that, if Cicero did not come, he would send workmen to pull down his house about his ears.

When Cicero heard of the outrageous insult, he was deeply offended. He felt it, he said, the more because the house which Antony had threatened to pull down was the very one which had been rebuilt for him at the public cost by an order of the Senate It was the monument of his triumphant recall to Rome. He did not, however, give way to the sudden impulse of anger. The provocation was great, but he restrained himself. He did not wish to break with Antony, upon whose conduct and policy the welfare of the State so much depended; and it is impossible not to admire the tact with which, while he showed himself sensible of the affront, he still held out the hand of reconciliation, and rather expostulated with the consul as a friend than attacked him as an enemy.

He went next day to the Senate-house, and delivered there the first of those famous fourteen orations so well known under the name of the Philippics.[1]

It was a masterly speech, grave, dignified, and calm — worthy of the man and the occasion. Antony was not present. Conscious of the indecent violence of his language the day before, he probably did not wish to face an opponent so formidable in debate as Cicero, who sarcastically remarked, that it

1 These speeches were originally called the Antonian Orations, *Orationes Antonianæ*, which is much the more appropriate name. — See Aul. Gell. *Noct Att.* XIII. 1.

seemed that Antony might have permission to be ill — a permission which yesterday was not accorded to himself. I will quote a few short passages of the speech, and I can only regret that space will not allow me to quote more.

In declaring his opinion generally on the state of public affairs, he said: —

'First of all I vote for the ratification of the acts of Cæsar, not because I approve of them, for who can do that? but because I think we ought above all things to consult the interests of peace. I wish that Antony were present, provided that he came without his satellites. But he, I suppose, may have permission to be unwell — a liberty which was denied me yesterday. He would be able to teach me, or rather you, Conscript Fathers, after what fashion he is prepared to defend the acts of Cæsar. Is it that those acts are to be maintained which are found in memoranda and papers and scraps of writing — produced on his sole authority for their genuineness — nay, not even produced, but only *said* to be in existence; and that those which Cæsar engraved on tablets of brass — the records of the laws and the decrees of the people — are to be esteemed of no account?"

He reviewed the conduct of Antony, pointing out his inconsistency in procuring the repeal of several salutary laws of which Cæsar was the author, while at the same time he took care to carry into execution with religious scruple the alleged wishes of Cæsar as expressed in the papers he had left behind him. He commented with sarcastic irony on the power which the Dictator was thus enabled to exercise in the grave. "Exiles were brought back from banishment by the dead: the franchise of the city was given not only to individuals but to whole nations and provinces by the dead: the revenues of the State were swept away by innumerable exemptions from taxation granted by the dead."

He deprecated the idea that he was saying anything against Antony out of anger or in an unfriendly spirit; and went on to compliment Dolabella on the vigor he displayed in putting down the seditious tumult in the Forum when he removed the column erected to the memory of Cæsar. He then turned to Antony, addressing him as if he were present (*absentem appello*), and reminded him of his patriotic conduct when the Senate met in the temple of Tellus, and during the first few days after the Ides of March. With artful dexterity he alluded to the abolition of the office of Dictator as a proof that Antony wished to brand the memory of Cæsar with everlasting infamy. "For as," he said, "by a decree of the Manlian *gens*, no patrician may be called Marcus Manlius, on account of the crime of one Marcus Manlius, so you entirely abolished the name of Dictator on account of the odium brought upon it by one Dictator."

He implored him to take warning by the fate of Cæsar, and the unmistakable signs of popular applause bestowed upon those who had assassinated him. He ended his oration by thanking the Senate for the kindness with which they had listened to him, and concluded with the words, "The time that I have lived is nearly enough, both as regards the age I have reached and the glory I have acquired. If it be prolonged, it will be so not so much for any advantage to myself, as for you and for the State."

We can well imagine how this speech, with all its studied moderation and affected candor, must have been gall and wormwood to Antony when he read it. He had retired to a villa which had belonged to

Metellus Scipio at Tibur, the modern Tivoli, about fourteen miles from Rome, and for more than a fortnight in sullen anger he brooded over the reply he was to make. Cicero says that he hired a rhetorician to teach him how to declaim, permitting him, as an imaginary opponent, to say what he pleased against him, that he might answer it, — an easy task for the master, Cicero sarcastically observed, when the materials for attacking his pupil were so abundant. And he afterwards told the Senate that Antony declaimed to make himself thirsty, and enable him to drink.

He summoned another meeting of the Senate for the nineteenth of September, and went to Rome prepared to confront his antagonist and overwhelm him with the speech which he had so carefully prepared. But, yielding to the urgent persuasions of his friends, Cicero stayed away; and he afterwards declared that, if he had not done so, he would have been murdered. And this is by no means improbable; for Antony took care to have a guard of soldiers in attendance at the door, and even within the walls of the Senate-house, under the pretext of preserving order, but in reality to overawe the senators, and be in readiness to execute any desperate enterprise he might suddenly command.

The speech of Antony is lost, but we know the nature of the attack he made on Cicero, from the elaborate reply contained in the second Philippic. He raked together every charge he could think of to damage his opponent, and distorted every act of his life to hold him up to ridicule and hatred. He laughed at his verses, taking care to quote that

unfortunate line — the standing joke of his enemies —

Cedant arma togæ, concedat laurea laudi.

He accused him of being the murderer of Publius Clodius; of severing the friendship between Cæsar and Pompey; and of being privy to the conspiracy against Cæsar, and an accomplice in his assassination. He reproached him with joining the camp of Pompey, and yet alienating that leader from him by his language and ill-timed jests; and, finally, to show how little Cicero was loved or esteemed, he declared that he had received few, if any, legacies from deceased friends.

Such was the catalogue of charges which Cicero had to meet,[1] and it is easy to see how triumphantly he would have been able to answer them if he had been present, and had risen on the instant to reply. But for the reason I have mentioned he was not there; and as it was no longer safe for him to meet Antony face to face in debate, he took a different course. He resolved to write a speech, which should be not only a defence of himself, but a portrait of his adversary, such as, to use his own expression, would make him feel the kindness he had shown him in abstaining from personal attack on the first occasion. The oration seems to have been composed at his villa near Puteoli, about the latter end of October. It was not intended for immediate publication, — perhaps he was then afraid or unwilling to provoke Antony to the extremities which he knew must be the case if the terrible invective got abroad, — but he sent it confidentially to Atticus, and said,

1 His strong expression is — "Omnibus est visus, ut ad te antea scripsi, *somere* suo more, non dicere." — *Ad Div.* XII. 2.

"I commit it to your care, and leave the time of publication to your discretion. But when will the day come when you will think it right to send it forth?" And again, "How I fear your criticisms! And yet why should I? What care I for a speech which is not likely to see the light unless the Republic is restored?"

Although the second Philippic was never spoken, it deserves to be carefully perused, not merely as a specimen of invective which in the annals of oratory is unsurpassed, — I might say unrivalled, if I did not recollect the speech of Demosthenes against Midias, — but as a valuable record of facts, throwing much light upon the history of the time. In order to appreciate the full effect which such a speech must have produced if it had been delivered, the reader ought to be well acquainted with the events and characters of the period, and then he will feel how every sentence tells. Some allowance must of course be made for exaggeration, but in its main features, both as a defence of Cicero and an attack upon Antony, it is, I believe, substantially true. But, according to the old dictum, the greater the truth the greater the libel; and it is not surprising that when the time came when Antony had it in his power to gratify his revenge, he should have made Cicero pay for it the penalty of his life. The consul's character is drawn in the darkest colors, and in more than one passage is depicted with a coarseness which would not be tolerated in an oration now.[1] One passage is worth

[1] I had written an analysis of the speech, with a translation of some of the most striking passages, but am compelled by want of space to omit them. It gives us a glimpse of the terrible depravity of morals in ancient Rome.

quoting in the words of old North's translation. "As for proofe hereof it is reported that at Hippias' marriage, one of his jeasters, he drank wine so lustily all night, that the next morning when he came to pleade before the people assembled in councell, who had sent for him, he being quesie stomached with his surfet he had taken was compelled to lay all before them, and one of his friends held him his gown instead of a basen."

Although Cicero dared not trust himself in the Senate-house, he stayed in Rome, where we find him writing to Cassius at the end of September, and deploring the scantiness of the number of good men that was left to defend the falling fortunes of the Republic.

Antony now ventured to take a more decided course. He had hitherto trimmed between the two parties, the friends and enemies of Cæsar. It was necessary for him to see which way the wind blew. As long as it was uncertain on which side the popular sympathy would declare itself he affected to observe a kind of neutrality. He held out specious professions to Brutus and Cassius, and had on one occasion put down with a high hand a seditious tumult. But as months rolled away, and the demonstrations in favor of the conspirators — all or most of whom were absent from Rome — became weaker and weaker, he took a bolder line. He was afraid that Octavian might outbid him in popular favor by coming forward as the champion of what may be called the Julian party, and he was therefore anxious to show that the memory of Cæsar was equally dear to him. His colleague Dolabella had thrown down the

pillar erected in honor of the deceased Dictator: he would raise a monument to his fame. He therefore placed on the Rostra in the Forum a statue of Cæsar, with the inscription, PARENTI OPTIME MERITO. No more artful epitaph could be conceived than this — none which reflected more strongly on the assassins who had deprived their country of its Parent. It was the well-known form to be seen on the tombstones and sepulchral urns of Rome, by which children expressed their pious gratitude to a father's memory. Cicero felt the censure it implied in its full force. He wrote to Cassius and said: —

"Your friend day by day grows more and more furious. First, in the case of the statue which he has erected on the Rostra with the inscription: PARENTI OPTIME MERITO; so that you are branded with the name of not only assassins, but even parricides. What do I say? that *you* are branded. Nay, rather I should say *I*. For the madman declares that I had the chief hand in your glorious deed. Would that I had! he would be giving us no trouble now."

Antony had formed a sagacious plan for making himself master of the destinies of Rome, and he proceeded to carry it into execution. I have already mentioned that Decimus Brutus had been appointed by Cæsar governor of Cisalpine Gaul, and that this appointment was confirmed by the Senate after Cæsar's death. Antony resolved to take possession of this important command. Backed by a strong military force, he would then have the capital at his mercy, ready at a moment's notice to sweep down upon it from the wide plains of modern Lombardy. He therefore got the people to bestow the government of Cisalpine Gaul upon himself. This was an unconstitutional if not an illegal act; for the appoint-

ments to provincial commands rested with the Senate, and that body had already conferred the province upon Decimus Brutus. He treated Antony's appointment as wholly invalid, and prepared himself to hold by the sword the authority which had been bestowed upon him by Cæsar and confirmed by the Senate.

Hearing that the four legions which he had sent for from Macedonia had arrived at Brundusium, Antony left Rome and reached the port on the ninth of October. He there harangued the soldiers, and promised them a donation equivalent in English money to about four pounds a head. But the pampered veterans, who remembered the largesses of Cæsar, treated the offer with contempt. The names of the four legions were the Martial, the Second, the Fourth, and the Thirty-fifth. Antony exerted all his oratory to induce them to join his standard, and succeeded with one of them, either the Second or the Thirty-fifth. But the others refused to follow him; and he took a terrible revenge. Inviting their centurions, to the number of three hundred, under some pretext, to his house, he caused them to be massacred in cold blood before the eyes of himself and his wife Fulvia, whom "the dignified general," as Cicero ironically calls him, had carried with him to the army. Her face was spattered with the blood of the dying men. What an astounding picture these brutal murders give of the state of Rome! They passed almost unnoticed, and the soldiers made no attempt to avenge their officers, but, quitting Brundusium, commenced their march along the eastern coast, leaving it uncertain on which side they would ultimately declare themselves. Antony put himself at the head

of the remaining legion, which was the famous one levied by Cæsar in Gaul, and called *Alaudæ* in addition to its number,[1] and turned his steps towards Rome by the Appian Road, intending to recruit his forces on the march.

In the mean time Cicero left the city and retired to his villa at Puteoli. In a letter to his friend Cornificius, at that time proconsul of Africa, written ust before his departure, he deplored the state of the Republic, "if a Republic could be said to exist in a camp," and said, —

"For my own part, amidst all these events, and in every mortal accident, I owe much to philosophy, which not only withdraws me from distracting care, but also arms me against all the assaults of fortune. And I advise you to adopt the same remedy, and consider nothing as an evil which involves no moral blame."

If he had lived at a later and happier period, he would have been able to substitute the word Religion for Philosophy.

At Puteoli he composed, as I have mentioned, the second Philippic, and sent it confidentially to Atticus, who suggested some alterations, which Cicero adopted. He employed himself on his work *De Officiis*; for what else could he do, he asked, but philosophize? but at the same time he kept an eager watch upon political events, which were fast hurrying forward to a crisis. Octavian, who saw that a struggle was imminent, had quitted Rome to visit the military quarters and settlements in different parts of Italy, where the veterans of Cæsar's campaigns were to be found, and he spared neither money nor promises to gain the soldiers to his side. More liberal

[1] Antonium cum legione Alaudarum ad urbem pergere. — *Ad Att.* XVI. 8.

than Antony, he offered them five times the amount he had done, and soon formed the nucleus of a considerable army. He wrote to Cicero, and proposed an interview at Capua or the neighborhood, but this Cicero, with his usual timidity, declined. I say timidity, for this seems to have been his real reason, as he says that it was childish to suppose that it could take place unobserved. He did not think it prudent to commit himself irrevocably in the prospect of a war. He had little confidence in Octavian as a leader. "Look," he wrote to Atticus, "at the name he bears — look at his age!" and he constantly spoke of him as a boy. Finding that Cicero would not meet him as he wished, he sent a friend to consult him as to the course he should adopt. Cicero advised him to go to Rome, where he was likely to have not only the rabble, but, if he inspired confidence in his sincerity, the respectable class of citizens on his side. In telling this to Atticus, he could not help ejaculating, "O, Brutus, where are you? What an opportunity you are losing!" Octavian, on the other hand, kept urging him to take a prominent part himself, and be a second time the savior of the State, telling him that he ought to be in Rome. Cicero found it was easier to give advice than to take it. He quoted a line of Homer as applicable to himself, which he might have adopted as a motto to express the whole of his political career, —

Afraid to fight, and yet ashamed to fly.[1]

But he suddenly determined to return. He thought 't better to be on the spot in case any opportunity,

1 Αἰδεσθεν μὲν ἀνήνασθαι, δεῖσαν δ' ὑποδέχθαι. Literally, "they were ashamed to refuse, and yet feared to accept."

where his services might be useful, should occur, and he was not without apprehension lest, if he stayed away much longer, access to the city might be cut off. If war broke out and Antony had the power to exclude him, there was small chance of his entering the city. He therefore left Puteoli early in November, and a short letter which he wrote to Atticus, while stopping on his way at his villa near Sinuessa (*Rocca di Mandragone*), gives a lively picture of the anxiety his journey caused him. It was as follows: —

"On the seventh of November I reached my country residence at Sinuessa. On the same day it was currently reported that Antony intended to halt at Casilinum. I therefore changed my plan. For I had determined to go straight to Rome by the Appian Road. In that case he would have easily come up with me, for they say he travels with the rapidity of Cæsar. I therefore turned aside from Minturnæ in the direction of Arpinum. I intend to stay tomorrow either at Aquinum or Arcanum (where Quintus had a villa). Now, my dear Atticus, give your whole mind to the question, for it is a matter of importance. There are three courses open to me, to remain at Arpinum, or approach nearer, or go quite to Rome. I will do what you advise. But let me know as soon as possible. I look eagerly for your letter."

He left his Sinuessa villa next morning before daybreak, and on the road a courier met him with a letter from Atticus. It was too dark to read it, and his party had no lights. He had to wait, therefore, until day dawned, — another proof amongst many of his habit of early rising, — and he then found that Atticus had anticipated his question by advising him to leave the Appian Road, and make a *détour* to his villa at Arpinum. He immediately went there, and again consulted his friend as to his future movements.

begging him to write daily. He told him he feared that his honor required him to be at Rome, but he was afraid to go there. It is curious to find him, at this moment of private perplexity and public confusion, declaring that he was smitten with a passion for writing history, and he referred to Atticus to set him right on a point of chronology. In one of his letters from Arpinum he expressed himself in a manner which reminds us of the riddle, "If that man's father is my father's son, what relation is he to me?" for he said, "Your grandfather's great-grandson writes to my father's grandson [in other words, "Your and my nephew Quintus writes to my son Marcus"] that he intends on the nones of December to demand from Antony, at a public meeting, an account of the treasure which was in the temple of Ops." He probably intended this circumlocution as a joke, for there seems to have been no other reason for using it, unless, indeed, he was afraid of the letter falling into improper hands.

He spoke with much bitterness of Dolabella as a man who had been bribed by Antony to betray his country, but his animosity against him was no doubt quickened by the fact that he had gone off to his government in Syria, without paying the money he owed for Tullia's dowry, the want of which just then was very inconvenient to Cicero. For he had several demands to meet, and even Terentia's claim was not yet satisfied. He had also promised to pay a debt which his son had contracted as surety for a friend. For private reasons, therefore, he determined to go to Rome "into the very midst of the fire" (*in ipsam flammam*), and look after his affairs. As to politics,

he said he bade them adieu; for, according to Hippocrates, medicine ought not to be given when the patient was past hope; and he told Atticus that he might expect him immediately.

The letter which I have just quoted has a special interest, as the last which he wrote to Atticus, or at all events the last which has been preserved. Indeed, as Cicero remained in Rome until the autumn of the following year, only a short time before his proscription and death, it is very probable that the two friends had not again occasion to correspond. We lose, therefore, the benefit of what is by far the most trustworthy record of his real sentiments, as well as an account of many little incidents which, though beneath the dignity of History, are full of interest in a Biography. The possession of such a friend was the crowning happiness of Cicero's life. It would have perhaps been better for him if Atticus had had in him more of the sterner stuff of Cato, for his own character wanted this more than anything else. But in that case perhaps their intimacy might not have remained so unbroken. They both seem to have taken in the main the same view of politics, in the troublous times in which they lived; at all events their mutual attachment never suffered even a momentary diminution. It is delightful to contemplate the pure and disinterested course of such a life-long friendship — a calm haven of happiness in the midst of a stormy sea of anxiety and strife. Parting company as we here do with Atticus, it will be interesting to know his subsequent fate. His great object throughout life was to stand well with all parties, and compromise himself with none. He was,

indeed, as he has been called, a kind of political Vicar of Bray, and, like that cautious personage, made friends on all sides. This was not difficult, for he never entered into public life, and thus gave offence to none of the ambitious competitors for power. He passed a luxurious existence as a wealthy private gentleman devoted to literature and art, and keeping an ample table round which he assembled men of the most opposite views in politics. To Cicero he owes his fame, and he shines with the reflected lustre of that great luminary.[1] He passed unharmed through the conflict of the Civil War and the terror of the proscription, dying B. C. 32, at the advanced age of seventy-seven, of voluntary starvation, which he inflicted on himself when he found that he was attacked by an incurable complaint.

Before Cicero returned to Rome, some important events had happened in the interval. While Antony was still absent, Octavian collected a body of about ten thousand troops from different garrisons and military settlements in Italy, and advanced upon the Capital. He entered the city and harangued the people, taking care to show that he venerated his uncle's memory. He pointed with his right hand to the statue of Cæsar on the Rostra, and addressed it in a solemn adjuration. This gave little hope to the anti-Julian party, and made Cicero exclaim in Greek when he heard of it, "I should be sorry to be saved by such a man as that!" But Cæsar's veterans who had followed Octavian to Rome did not like the idea

[1] Nomen Attici perire Ciceronis Epistolæ non sinunt. Nihil illi profuisset gener Agrippa et Tiberius progener, et Drusus Cæsar pronepos: inter tam magna nomina taceretur, nisi Cicero eum applicuisset. — Seneca, *Epist.* 21.

of fighting against Antony. As consul he was the legitimate commander of the army of Rome, and he had given ample proof that he identified his own cause with that of Cæsar, their murdered general. A contest between Octavian and Antony could only, they thought, benefit the party of Brutus, whom they hated as assassins. They therefore began to leave the city in such numbers that Octavian had only a small force left. His position was highly critical, for Antony was marching up at the head of the Alaudæ legion and other reinforcements. It was no longer safe to stay within the walls, and he hastily withdrew to Arretium, to the northeast of Rome, which he made the place of rendezvous for his troops.

Almost at the same time, or immediately afterwards, Antony entered the city, with a large train of followers, but he left the bulk of his army at Tibur. Cicero describes his march through the streets amidst the groans of the populace, and says that, as he passed by the houses of those who were obnoxious to him on the right and left, he pointed to them in a threatening manner, and told his followers that he would give up the city to plunder. He was consul, and, as Dolabella was absent in the East, sole acting-consul at Rome. This gave him an immense advantage, which none of his opponents enjoyed. He could treat his personal enemies as enemies of the State. To summon legions to his standard was in him an act of rightful authority; in them it was an act of rebellion.[1] He immediately issued proclamations denouncing the conduct of Octavian. He compared

[1] To get over this, Cicero afterwards argued that Antony had by his crimes forfeited the rank of consul. — *Phil.* III. 6.

him to Spartacus, reproached him with being of ignoble birth, and accused him of all kinds of vice, as if the purity of his own life entitled him to play the part of a censor. He summoned a meeting of the Senate for the twenty-fourth of November, and declared that whoever did not attend would avow himself a conspirator against Antony and his country. But when the day arrived, he did not appear, as, if we may believe Cicero, he had drunk too hard to be able to come. He therefore summoned another meeting for the twenty-eighth, in the Temple of Jupiter, on the Capitol, and slunk up to it by a subterranean passage which seems to have been made at the time when the Gauls captured Rome, and was called *Gallorum Cuniculus*. By an arbitrary edict he had forbidden, under pain of death, three of the tribunes to be present, afraid apparently lest they might exercise their veto. It was no secret that his object was to get the Senate to pass a resolution declaring Octavian a public enemy. But when he rose to speak, either his resolution had failed him, or he thought the right moment had not come, for the anxious Senators found that the only business he had to lay before them was a proposal for a thanksgiving in honor of Lepidus, who had a military command in Gaul. At the same instant startling news suddenly arrived which completely disconcerted him. Of the three legions that had left Brundusium and marched northwards along the Adriatic coast, two, the Martial and the Fourth, had just declared for Octavian, and taken up their position at Alba, within a few miles of Rome. We must not suppose that this was merely like the loss of a couple of regiments in a modern army. The strength

of a Roman legion at the time of which we are speaking was about six thousand men, so that the amount subtracted from the force on which Antony reckoned would, by the defection of the two legions, be twelve thousand soldiers, and these, as veterans in the campaigns of Cæsar, the very flower of his troops. He was frightened out of his wits, and hurried over the motion for a thanksgiving by immediately calling for a division, — a thing which in such a case, as Cicero says, had never been done before.[1] He then hastened from the Senate-house the instant that the resolution was passed, and, changing his consular robe for the military dress of a general (*paludatus*), quitted or rather flew from the city to Alba, to try and bring back the troops to his standard.

The Senate met again in the evening, and proceeded to ballot for the provisional governments of the following year. This ought to have been done under the presidency of Antony, and several of the Senators, who were eligible for the appointments, seem to have availed themselves of the objection that he was absent, and to have withdrawn their names. In the ironical account that Cicero gives of the ballot, he implies that some unfair trick was used to give Antony's friends the provinces they wanted. Addressing the Senate soon afterwards, in the speech known as the third Philippic, he said, " Caius Antony got Macedonia. Lucky man! for he was always talking of that province. Caius Calvisius got Africa. Nothing could be more lucky ; for he had just quitted

[1] The reason why Antony resorted to it probably was because it was the shortest mode of passing the resolution, and he was in a desperate hurry I suppose it was thought an undignified mode of carrying so solemn a measure as a *supplicatio*.

Africa, and, as if divining that he would return there, had left two of his legates at Utica." But the luck was not all on one side. M. Iccius got Sicily, and Q. Cassius Spain. Cassius was the brother of the conspirator, and Iccius belonged to the same party. "In their case," said Cicero, "I have no cause to suspect foul play. I suppose the ballot for those two provinces was not so *providentially* directed!"

Antony did not succeed in shaking the resolution of the legions at Alba, who had chosen Octavian as their leader. He, therefore, hastened to Tibur, to join the troops that had rallied round his own standard, and distributed money amongst them to keep them in good humor. A fifth legion had by this time come back from Macedonia, and placed itself under his command, so that, including the new levies he had raised, he found himself at the head of a respectable force of four legions, or twenty-four thousand men. Octavian had about the same number, but in addition to these it must be remembered that he could reckon upon the coöperation of the army commanded by Decimus Brutus in Cisalpine Gaul, of which it was the avowed object of Antony to seize possession. Brutus acted with spirit and firmness. He issued a proclamation declaring his resolve to hold the province which had been bestowed on him by the authority of the Senate, and levied troops to oppose the approach of Antony.

The newly elected tribunes who had just entered into office convoked the Senate on the twentieth of December, to take into consideration a proposal to allow the consuls elect a military guard on the first of January, for the protection of the Senate, which

would meet on that day. Cicero, who had returned to Rome on the ninth, went early, and, when it was buzzed abroad that he was there, the Senators flocked in numbers to the House (or more properly, the Temple), in hopes of hearing him once more. And they were not disappointed. He rose and delivered the oration known as the third Philippic.

It was an excellent speech for the objects he had in view, which were to denounce Antony as a public enemy, and show the Senate the necessity of energetic and immediate action. He praised Octavian to the skies for the spirit he had shown in raising levies of troops at his own expense, and Decimus Brutus for his firmness in holding Cisalpine Gaul, and the inhabitants of the province, which he called "the flower of Italy," for their zeal and unanimity in rallying round their governor. He advised that the best military commanders should be appointed to lead the troops, and that liberal promises of reward should be made to the soldiers. He declared that Antony was worse than Tarquin, and insisted that he could no longer, with any consistency on their part, be regarded as consul; for they applauded the conduct of Brutus, and yet he was acting contrary to law in opposing Antony, if Antony was really consul. They applauded the conduct of the legions that deserted him, and yet those legions were guilty, and deserved the punishment of mutiny, if Antony was consul.

He ridiculed the attempt of Antony to throw discredit upon Octavian because his mother was a native of a provincial town (Aricia, in Latium, at the foot of the Mons Albanus). He said that if that was

a stigma, it applied to nearly the whole body of Senators, for almost all were sprung from a provincial stock; and he retorted upon Antony that his wife Fulvia was the daughter of a nobody from Tusculum, nicknamed Bambalio because he was a stutterer and a fool. He ridiculed also the bad Latin of his proclamations, in a way that reminds us of Cobbett criticizing the bad English of a royal speech. After describing his character and conduct in the darkest colors, he earnestly adjured the Senate not to lose the present opportunity afforded by the kindness of the immortal gods; for Antony was caught in front, flank, and rear, if he entered Cisalpine Gaul. If he was suffered to escape and became victorious, the provinces had nothing to expect but servitude and disgrace. "But," he exclaimed, "if (may Heaven avert the omen!) the last hour of the Republic has arrived, let us, the foremost men in all the world, do what noble gladiators do to fall with honor. Let us rather die with dignity than serve with ignominy." He concluded by declaring his opinion that it should be resolved that Pansa and Hirtius, the consuls-elect, should provide for the safety of the Senate, at the meeting of the first of January; that Decimus Brutus had deserved well of the State, in upholding the authority of the Senate and the liberties of the people, and ought to keep his province; that the other provincial governors should retain their respective commands until successors were appointed by a resolution of the Senate; that honors should be paid and thanks given to Octavian (or Caius Cæsar, as he designated him) and the Fourth and Martial legions and the veteran soldiers who rallied round him; and

that as soon as the consuls-elect entered upon office, they should bring all these questions before the Senate, in the way they deemed best for the advantage of the Republic, and most consistent with their duty.

A resolution was passed in the terms that Cicero proposed, and he then immediately went to the Forum, and on the same day addressed from the Rostra a crowded meeting of the people, telling them that, although Antony had not been formally declared a public enemy by the Senate, he was in effect treated by them as such. He went over much of the same ground as in his previous speech, and did his utmost to inflame the passions of his audience.

It is probable that about this time he put into general circulation his second Philippic. He had completely broken with Antony, and set him at defiance. The temptation, therefore, was great, to publish that attack which he had so carefully elaborated in his retirement at Puteoli. Either he or Antony must fall; and his safety depended on the success of his attempt to raise the hatred of his countrymen against their unworthy consul.

For war was now inevitable. Antony was leading his troops along the defiles of the Apennines to take forcible possession of Cisalpine Gaul, and Decimus Brutus had thrown himself into Mutina, the modern Modena, at the foot of the northern range of the same mountains. He occupied the town with a strong garrison, and was resolved to defend it to the last extremity. He relied of course upon the assistance of Octavian, who was in the field with his hastily col-

lected levies, strengthened, however, by three of the well-disciplined legions from Macedonia; and also upon the forces which the new consuls would be able to raise whenever they entered upon office, on the first of January. On that day Antony would cease to have any legal right to command a Roman army, and all his authority would pass to Hirtius and Pansa, his successors. And as the Senate had in effect ratified the act of Octavian in levying troops, the armies which the Republic could call its own, and on which it could rely to oppose Antony, would be represented by the triple union of the forces of the Consuls, Octavian, and Brutus. The other forces of the Republic, exclusive of those to the east of Italy, were thus distributed. Pollio had two legions in Spain; Lepidus, four in the north of Spain and the Narbonensian province of Gaul; Plancus, three in the rest of Gaul. Cicero was very anxious to secure Plancus on the side of the Senate against Antony, and wrote to him at the end of the year. They were on the best terms with each other, and Plancus, if we may believe his professions, regarded him with feelings of affectionate respect. He and Decimus Brutus had been designated by Cæsar as consuls for the next year but one, and as all the "acts" of the deceased Dictator were ratified by the Senate, they would then enter upon that high office, if nothing unforeseen occurred to prevent it. At the end of December Plancus wrote to Cicero in answer to a letter he had received from him in November. He said his only wish was to devote all his energies to the service of the Republic. But he had to keep a careful watch upon the movements of the Gauls, lest they should

think the confusion in Italy a good opportunity for revolt. Cicero was delighted to hear such sentiments from a man who was at the head of so many disciplined battalions, and he wrote to him in lavish terms of flattery and compliment. He earnestly exhorted him to pursue the path of true glory, by supporting the cause of the Republic. "You are," he said, "consul-elect in the flower of your age, gifted with the highest order of eloquence, and this at a time when our Fatherland is bereaved of almost all her children, such as you." But, alas for promises and professions made by the slippery sons of Rome! In a few short months Plancus joined his forces to those of Antony and Lepidus, and abandoned the side of Cicero and the Senate.

CHAPTER XXIII.

THE EMBASSY TO ANTONY.

ÆT. 64. B. C. 43.

We have reached the last year of Cicero's life. The horizon was dark and stormy, but yet light seemed to be breaking through the gloom. Antony was no longer a consul, in lawful command of a Roman army, but a private citizen, engaged in a desperate rebellion. The Senate had all but declared him a public enemy, even while armed with consular authority, and the people had applauded when Cicero denounced him as worse than Spartacus or Catiline. The net in which he was to be caught was fast closing around him. Octavian, at the head of an army formidable in numbers and in discipline, was marching rapidly upon him, and in his front was Decimus Brutus holding him in check before the walls of Mutina. If the new consuls acted as Cicero hoped and believed they would act, it seemed inevitable that he must fall. But upon them everything depended; for if they wavered and refused to employ against him the forces at their command, it was possible that Octavian might be defeated, in which case Mutina would fall, and Antony would become master of Cisalpine Gaul.

Aulus Hirtius and Caius Vibius Pansa, who began

their consulship at this eventful crisis, had both belonged to the Julian party, and owed everything to Cæsar. Hirtius had been one of his legates in Gaul, and received afterwards from him the government of the northern part of that province, corresponding to the modern Belgium. Pansa had been appointed by him governor of Cisalpine Gaul, as successor to Marcus Brutus. Both owed to him their elevation to the consulship, to which he had nominated them by virtue of his sovereign power as Dictator. Since his death they had observed a cautious neutrality, and abstained almost entirely from politics. They both, and especially Hirtius, had kept on good terms with Cicero; but, whatever he might think it politic to say in public, his private correspondence shows that he had no great confidence in either of them. Their conduct, however, seems to have been loyal and sincere. They naturally did not wish to drive Antony to extremities, and destroy all hope of an accommodation, the failure of which must result in another civil war, perhaps as bloody and ruinous as the last. And besides, they could not forget that his immediate antagonist was Decimus Brutus, one of the assassins of their friend and benefactor Cæsar; and, with the exception of Octavian, the party most violently opposed to him was the party of the conspirators, men who gloried in the murder of him whose statue yet stood in the Forum, with the inscription proclaiming him "the Father of his Country." They therefore determined to temporize, and endeavor to bring back Antony to his allegiance.

The Senate met on the first of January, in the Temple of Jupiter, on the Capitol; and, after the in

augural ceremonies of religion, according to ancient custom, the consuls brought forward the pressing question of the moment — how they were to deal with Antony in arms. They both spoke in a tone that pleased Cicero, who cheered himself with the hope that they would act with as much vigor and firmness as their speeches implied. But he was soon undeceived. By an obviously preconcerted arrangement they called on Fufius Calenus, Pansa's father-in-law, to rise first and deliver his opinion. He had in old days, as tribune of the people, actively assisted Clodius to obtain an acquittal on his trial for the violation of the mysteries of the Bona Dea. Since then he had distinguished himself as an ardent partisan of Cæsar, and was by him substituted consul, B. C. 47 (*consul suffectus*), for the last three months of that year. In one of his letters, written in the previous year, Cicero calls him a personal enemy of himself, and at this very time Antony's wife, Fulvia, and her children were staying under the protection of his roof. It was an ominous circumstance that he should be chosen to speak first, and, as it were, lead the debate at such a momentous crisis; although his near relationship to one of the consuls not only gave a pretext for, but justified, the precedence that was thus given him.

His advice was that an embassy should be sent to Antony, calling upon him to retire from Mutina, and submit himself to the authority of the Senate. L. Piso and other senators of consular rank followed on the same side, and at last it came to Cicero's turn to speak. He rose and delivered the oration known as the fifth Philippic. It may be described in the words

put by Milton into the mouth of Moloch, in the second book of "Paradise Lost" —

> My sentence is for open war: of wiles
> More unexpert I boast not: them let those
> Contrive who need, or when they need; not now.

He regretted that he had not been called on to speak after the other ex-consuls had delivered their opinions, for then he would have been able to reply upon them all; and he feared that others would follow him who were prepared to go the length of proposing that Antony should have the province of Gaul, of which Plancus was governor.

"What," he exclaimed, "is this, but to put arms in the hands of an enemy for the purpose of civil war? . . . The pleas you urge are of no avail. 'He is my friend,' says one. Let him first show himself the friend of his country. 'He is my relative,' cries another. Can there be any relationship closer than that of one's country, which embraces even one's parents? 'He owes me money,' do I hear? I should like to see the man who would dare to say it."

Again:

"Does Antony wish for peace? Let him lay aside his arms. He will find no one more equitable than myself, of whom, while he throws himself on the support of impious citizens, he had rather be the enemy than the friend. There is nothing which can be granted to him while he carries on war: there may perhaps be something which will be given if he sues as a suppliant."

He went over his former ground of argument to show the inconsistency of sending ambassadors to a man whom, by their previous acts in honor of the generals and troops who had marched against him, they had already denounced as his country's foe. He reviewed the conduct of Antony, and charged him

with all the nefarious acts of which he had been guilty in forging Cæsar's papers and making a market of his grants for his own private emolument. He amused his audience with a sarcastic account of what Antony had done to increase the number of the body of jurymen at Rome. Cæsar, indeed, had placed among them common soldiers, privates from the ranks, and the men of the Alaudæ legion; but Antony had added gamblers and exiles, and even Greeks! He made himself merry with the idea of a member of the court of Areopagus being summoned to serve on a Roman trial, and excusing himself on the ground that he could not serve at the same moment at Athens and at Rome. Did some of them even know the Latin language? Were they acquainted with the laws and customs of Rome? Fancy such a man as Cyda from Crete sitting on a trial — a monster of audacity and crime! Antony, he said, alone, of all men since the foundation of the city, kept openly an armed force within the walls. This the old kings had never done, nor those who, after their expulsion, had aimed at monarchy.

"I remember Cinna," he cried, "I have seen Sylla, and not long ago Cæsar; — these three, since the time when freedom was given to the state by Lucius Brutus, made themselves more powerful than the whole Republic. I cannot assert that they were never attended by armed guards, but this I do say, that the guards were few, and kept in the background. But this pestilent fellow was followed by a whole squadron of armed men. Classitius, Mustella, Tiro, and creatures like them, brandished their swords, and led their bands through the Forum, — nay, barbarian bowmen stood here in battle array."

He denounced, in the strongest language, the idea of sending an embassy to Antony, and advised that

not war (*bellum*) but a "tumult" (*tumultus*) should be proclaimed,[1] — that a levy *en masse* should be decreed, — a military uniform (*saga*) be generally assumed, and the courts of justice closed. He then proposed, in much the same form as in his previous speech, that a public vote of thanks should be decreed by the Senate to Decimus Brutus and to Lepidus, and that a gilt equestrian statue of Lepidus should be placed on the Rostra, or in any other part of the Forum he preferred. As for Octavian — or Caius Cæsar, as he always took care to designate him — he seemed to feel a difficulty in finding language sufficiently complimentary in praise of him. He proposed that he should be formally invested with a military command, — it must be remembered that up to this time Octavian had been levying troops, and was at the head of a military force without any legal authority, — and that he should have the rank of a proprætor, sit in the Senate in the place allotted to the prætors, and be at liberty to become a candidate for any of the higher State offices. As to the objection that he was under the legal age, Cicero reminded the Senate that distinguished excellence anticipated the march of years. With an earnestness which was little prescient of futurity, he scouted the idea that Octavian might become intoxicated with such honors, and forget the duty he owed to the Republic. True glory consisted in securing the esteem and love of the Senate and the people, and the man who enjoyed this would think no other glory

[1] The distinction was this: *bellum* applied to a foreign war, *tumultus* to a domestic insurrection, or the threat of a Gallic invasion, owing to the close proximity of Gaul to Italy. In the case of a *tumultus* all furloughs were called in, but not so in the case of *bellum*.

comparable to it. "I will venture, Conscript Fathers," he exclaimed, "to pledge my honor to you and the Roman people, — I promise, I undertake, I guarantee that Caius Cæsar will always prove himself such a citizen as he is to-day, and such as we ought most to wish and desire him to be." It is very likely that Cicero was quite sincere in saying this; for, whatever may have been his former doubts of Octavian, they were chiefly lest he might make common cause with Antony. But the young adventurer was committed to open hostility against the consul, and was fighting on the side of the Senate and the Republic. And no one could have then dreamed that he would so soon be guilty of betraying the cause he had adopted, and forming a coalition with Antony at the moment when victory had crowned his own eagles, and his adversary was a fugitive from the field of battle he had lost. Cicero concluded by moving that rewards should be given to the legions that had joined Octavian.

It is here that Dio Cassius introduces Fufius Calenus on the scene. He represents him as rising *after* Cicero, and making a most bitter and malevolent attack upon him. There can, in reality, be no doubt that he spoke *before* him; but this would be a trifling mistake. The important fact is that no such speech as Dio puts into the mouth of Fufius was ever spoken at all. It is certain that he would not have *dared*, in the presence of the greatest orator of Rome, to provoke the tremendous reply which such an invective would have drawn down upon him. He would rather have put a blister on his tongue than allowed it to expose him to the castigation he was

sure to receive. But it is clear, from the way in which Cicero speaks of Fufius in subsequent orations, that he had given him no such provocation. That he did make a speech on this occasion we need not doubt, and that in it he defended Antony is not improbable; but we may safely assert that so much of it as is filled with abuse of Cicero, is the mere invention of Dio Cassius himself. The old traditions of Cicero's enemies had come down to his times, and the courtly historian hated the memory of the last and greatest champion of Roman freedom. He therefore seized the opportunity of collecting all the charges against him which those enemies had ever whispered, and threw them together in the form of a speech, which he attributed to Calenus. It is a good example of rhetorical skill, and is well worth reading as an epitome of the accusations which the blind fury of party hate brought against Cicero. It shows the impure nature of the atmosphere in which he lived, and explains the frequent allusions in his correspondence to the envy and malevolence of which he was the object. It may be considered as a kind of monster indictment, which antiquity drew up to blast the character of one of her greatest men. The speech is inordinately long, and I pass over a tedious catalogue of charges in which Cicero's conduct is contrasted with Antony's, his actions are distorted, and his motives blackened, in order to quote at length one passage which, perhaps, better than any other will give the reader an idea of the style, and taste, and truthfulness of this abominable tirade.

"These, then, Cicero, or Cicerullus, or Ciceræus, or Cicerethus, or Greekling, or whatever other name you rejoice in, are the things

which Antony — the coarse, half-naked, anointed Antony, as you call him — has done. But you did nothing of the kind, — you, who are so clever and so wise, and who make so much more use of oil than of wine, — you, who let your dress trail down to your ankles, not like the dancers on the stage, who express their thoughts by pantomime, but in order to hide the deformity of your legs; for assuredly you don't do it for the sake of decorum, much as you have said about Antony's habits: for who does not observe those thin womanish cloaks that you wear? who does not scent those gray hairs of yours that you keep so well combed? who does not know that you divorced your first wife, who had borne you two children, and married in your old age a young woman in order to be able to pay off your debts by means of her fortune? And yet you did not keep even her, in order that you might with impunity carry on your intrigue with Cærellia, with whom you have committed adultery, although she is as much older than you as you were than your second wife, and to whom you wrote such letters as might be expected to come from a man who is a loose-tongued jester, and makes love to an old woman of seventy. So much I have been led out of my course to say, that he may in such attacks get as good as he brings. But I must not forget that he ventured to bring up against Antony the story of some revel, he himself being as he says only a water-drinker, that he may be able to keep awake at night and compose his speeches, although he makes such a drunkard of his son that he is never sober either by day or night. And, besides, he tried to calumniate Antony's morals, although he himself has been all his life so dissolute and impure that he disregarded the chastity of his nearest relatives; going so far as to prostitute his own wife and seduce his own daughter" !![1]

On the question of sending an embassy to Antony there was great difference of opinion. The debate was protracted to nightfall, — a very unusual thing in the Roman Senate, — and it was then adjourned.

[1] His enemies had the ineffable baseness to pretend that in the line —

Hic thalamum invasit natæ vetitosque hymenæos —

Æn. VI. 623.

Virgil had Cicero in his eye. "Quod Donatus dixit, nefas est credi, dictum esse de Tullio." — Servius, *ad loc.*

Next day and the day after that the discussion was continued, and the great majority of the speakers supported the views of Cicero, so that it seemed certain that his opinions would prevail when the question was put to the vote. But the consuls were afraid, and took care not to call for a division, which it was their business to require at such a period of the debate as they thought fit. At last Salvius, one of the tribunes, extricated them from the difficulty by interposing his veto against putting Cicero's motion to the vote. The result was that the question was carried as Fufius Calenus had proposed, and a resolution was passed for sending the embassy to Antony. Three senators of consular rank, Servius Sulpicius, the first lawyer in Rome, Lucius Piso, the father-in-law of Cæsar, and Lucius Philippus, the step-father of Octavian, were named the commissioners, and the task of drawing up the message they were to deliver was intrusted to Cicero himself. The terms were briefly these. Antony was to abandon the siege of Mutina, to cease from hostilities against Decimus Brutus, to make no inroad into Cisalpine Gaul, and to submit himself to the authority of the Senate and people. Failing obedience to these commands, he was to be treated as a public enemy. The commissioners were also instructed to have an interview with Brutus in Mutina itself, and convey to him and the garrison the sense which the Senate and people of Rome entertained of the services they had rendered to the State, and an assurance of the honors and rewards in store for them.

Vast numbers had in the mean time assembled in the Forum, anxious to hear the result of the long de

bate; and loud cries were heard for Cicero to come and address them from the Rostra, as he had done on the former occasion. He obeyed the call, and was introduced to the multitude by the tribune Apuleius. He did not affect to conceal his chagrin that the embassy had been voted contrary to his advice, but he declared his certain conviction that Antony would not listen to the terms imposed upon him.

"Therefore," said Cicero, "let bygones be bygones. Let the commissioners make haste, as I see they intend to do: but do you prepare your uniforms.[1] For it has been decreed that if he does not obey the authority of the Senate, we are all to assume our military dress. The embassy will go; he will not obey; and we shall have to regret the loss of so many days of action."

The peroration of the speech is fine:

"The moment has at length arrived, men of Rome, later indeed than became the dignity of the Roman people, but yet so opportune that it cannot be put off for a single hour. Hitherto a kind of fatality has pursued us, and we have borne it as we best could. Henceforth if we suffer, it will be our own fault. It is not right for the Roman people to be slaves, whom the immortal Gods destined to command all nations. Matters have now come to the last extremity. The struggle is for freedom. You must either be victorious — as surely you will be with so much piety and concord — or suffer anything rather than be slaves. Other nations may endure slavery; but freedom is the attribute of the Roman people."

The embassy set out on its mission, and did not return until the end of January. Hirtius, the consul, also left Rome to join the army that was to act against Antony under the walls of Mutina, although he had been for some time in ill health, and was hardly fit to bear the fatigues of a campaign. In the mean time Cicero wrote to his absent friends,

[1] *Vos saga parate.* The *sagum* was a short military cloak.

Cornificius in Africa, and Plancus in Farther Gaul, to encourage them to oppose the party of Antony, and remain steadfast to the cause of the commonwealth. He wrote also to Decimus Brutus, and told him that a levy of troops was going on at Rome and in the whole of Italy, — if that could be called a levy where everybody volunteered, — so passionate was the desire of all for liberty, and so great their detestation of their long servitude.

He had another opportunity of addressing the Senate before the return of the ambassadors; for a meeting was summoned by Pansa to lay before them some matters not of a political nature, but more like what we should call, in the language of Parliament, private business. They related to the Appian Way and the Roman Mint. But Cicero seized the occasion to speak on the subject that was uppermost in his thoughts — the probable result of the embassy to Antony. His speech is that known as the seventh Philippic.

We can easily imagine that in the interval before the return of the ambassadors, their mission was the one absorbing topic of conversation in Rome. Speculation was rife as to the answer they would bring. Would Antony yield, or set the Senate at defiance? If he proposed terms, ought they to be considered? All sorts of rumors were afloat, and the newsmongers were busy in inventing stories of the mode in which the message of the Senate had been received. Some said (we know this from Cicero himself) that Antony insisted that all armaments should be disbanded; others, that he was willing to resign Cisalpine Gaul, but demanded Farther Gaul as his province;

others, that he limited his claim to Macedonia, and so on.

The object of Cicero in rising to speak was to prepare his countrymen for the rejection of their demands; and his motto was, "No peace with Antony!" He declared that peace with him was at once disgraceful, hazardous, and impossible, and the burden of his speech was to prove each of these three propositions. It will be sufficient to quote one or two passages to give an idea of his eloquent appeal. The following is in style thoroughly Ciceronian. After alluding to the gravity of the crisis, he said: —

"I therefore, who have always been the counsellor of peace, and to whom peace, especially as distinguished from civil war, has been dear beyond all men, — (for my whole career has been passed in the Forum and the Senate, and in defending my friends as an advocate; by which I have gained the highest honors and such moderate means as I possess, and whatever reputation I may enjoy.) — I therefore, I say, who am, so to speak, the disciple of peace, — who, whatever I may be, for I do not arrogate anything to myself, — would assuredly not have been so if we had not enjoyed peace, — I speak at a venture, Conscript Fathers, and dread how you may take it, — out of regard to your honor, for which I feel a constant solicitude, pray and beseech you that you will hear without offence what I shall say, although it may grate upon your ears, or appear incredible that Marc Cicero should say it, and that you will not reject it before I have explained it to you, — I, I again repeat, who have always been the panegyrist and counsellor of peace, am against peace with Marc Antony."

In striking contrast to this long and labored accumulation of words is the noble sentence where he exclaims, "We have repelled the arms of traitors, but we must wrest them from their hands; and if we cannot do this — I will speak as becomes a senator and a Roman — let us die!" This is as fine as

anything in Demosthenes, — perhaps finer, — if we except the adjuration in the speech on the Crown.

After having devoted the whole of his oration to a question which was not properly before the Senate, he dismissed with laconic brevity the subject which was the real question, by turning to the presiding consul, and saying, in conclusion, "As to the matters which you bring before us, I agree in the opinion of P. Servilius."

The ambassadors had hardly reached the camp of Antony when they lost one of their number by the sudden death of Servius Sulpicius. He was about the same age as Cicero, and was in ill health when he undertook the journey, which on that account he at first sought to decline, but yielded to the strongly expressed wishes of the Senate. He took Cicero aside, and told him that he would rather sacrifice his life than resist their authority. He was not only a great jurist, but one of the most eloquent orators of Rome, and his death at such a juncture was a public calamity. It was so felt and deplored by Cicero, who was besides his intimate friend. When Piso and Philippus had their interview with Antony, they found that he too had terms to make and conditions to offer. This shows that Cicero was right in condemning the embassy as a capital mistake. By sending ambassadors, the Senate seemed to recognize Antony as a belligerent, entitled to all the laws of war. He was addressed as such, and not as a rebel in arms against his country. He therefore treated with them on a footing of equality, and made counter-proposals as the conditions of his obedience. He offered to give up Cisalpine Gaul, but demanded

for five years that portion of Transalpine Gaul called Gallia Comata, with six legions taken from the army of Decimus Brutus. He required further that lands and money should be given to his troops — his own previous grants confirmed — his decrees founded on the alleged contents of Cæsar's papers ratified — no account demanded of the money taken from the Temple of Ops — the *Septemviri*, or commissioners appointed by him to divide lands amongst the veterans of Cæsar, held harmless — his new jury-law not repealed — and the safety of his followers secured by an amnesty. This was the language of a man who was confident in his strength, and resolved to show it. He absolutely refused to allow the two ambassadors to enter Mutina and have an interview with Brutus, pressing forward the siege with unabated vigor while they were in his camp. They had therefore no option but to return to Rome with the unpalatable answer, and Pansa immediately summoned the Senate to receive and consider their report.

Cicero was in the highest degree indignant. He could not brook the idea of having to entertain proposals from Antony, and was very angry with Piso and Philippus for consenting to bring them. His view was that they ought at once to have denounced the arrogant ex-consul when he refused to obey the peremptory orders of the Senate, and that to negotiate with such a man was tantamount to dishonor.

When the Senate met, there was no thought of admitting the demands of Antony, and the only question proposed by the consul was, whether war (*bellum*) should be at once proclaimed. Lucius Cæ-

sar, who was an uncle of Antony, spoke in favor of calling it *tumultus* rather than *bellum*, as the milder term, but in doing so he excused himself on the ground of his near relationship to the ex-consul. He had made a similar excuse, as Cicero afterwards reminded the Senate, when he spoke, at the time of the Catiline conspiracy, in favor of Caius Antonius, who was married to his sister Julia, and was the father of Antony. Fufius Calenus and others followed on the same side, and a resolution was carried to that effect in accordance with the declared wishes of Pansa when he put the question to the vote. This was in direct opposition to the views of Cicero, although it does not appear that he took any part in that day's debate. But next day he rose and delivered a speech, in which, although it was then too late, he strongly expressed a contrary opinion. This was the eighth Philippic.

He argued that it was absurd not to call things by their right names. They were now actually at war. In other struggles, like those in which the actors were Marius, and Sylla, and Cinna, the contending parties might have the excuse that they were fighting on the side of the law, but here Antony could make no such pretence. "As to the last civil war," he said, "I do not like to speak of it — I know not its cause — I abominate the result." He complained bitterly of the conduct of the other members of the consular body, who by their cautious speeches did everything to depress the spirit of the Senate. "We are deserted, Conscript Fathers," he exclaimed, — 'deserted, I say, by our leaders. But, as I have often said before, all who at such a time of peril

entertain right and courageous sentiments, they shall be our consulars." He contrasted the conduct of Piso and Philippus, in bringing back counter demands from Antony, with the conduct of Popillius in the time of their ancestors, and mentioned how he had been sent by the Senate to Antiochus to command him to desist from the siege of Alexandria; and how, when Antiochus took refuge in delay, he traced a line round him with a stick on the ground where he stood, and told him that he would report his refusal to the Senate, unless he declared his intentions before he stepped out of the circle Popillius had drawn. He concluded by moving that an amnesty should be granted to all who were with Antony, if before the Ides of March they abandoned him; and that if any one hereafter went to him, excepting only Varius Cotyla, the envoy whom he himself had dispatched to Rome, he should be regarded by the Senate as an enemy of his country.

A day or two afterwards Pansa brought before the Senate the question of paying honors to the memory of Sulpicius, who had died in the public service, on his way as ambassador to Antony. The consul suggested that they should decree a public funeral and a public statue. But Publius Servilius, when called upon to deliver his opinion, objected to the statue on the ground that there was no precedent for erecting one in honor of an envoy who had not been actually killed while employed on his embassy. Cicero followed, and, in opposing the view of Servilius, took the opportunity of delivering a warm eulogium upon his departed friend. As to the question of whether a statue should be voted or not, he said they must

not be guided by mere precedent, but look at the reason of the thing. The object of their ancestors was to induce men to undertake dangerous embassies by holding out to them the prospect of such an honor. Thus, when Lar Tolumnius, king of Veii, put to death four Roman ambassadors at Fidenæ, four statues of them were raised on the Rostra, and stood there within their own memory. But their case did not really differ from the case of Sulpicius. Their embassy was not more fatal to them than his embassy had been to him. The illness from which he died was not one that first attacked him on the journey, but one under which he was suffering before he left. But if he had stayed at home, as he wished, it might have been cured, while the hurry and fatigue of travel rendered recovery hopeless. The embassy was the cause of his death, and Antony was the cause of the embassy. It followed, therefore, that Antony caused his death, as much as the King of Veii caused the deaths of the four ambassadors of Rome. Or, to put the case in another point of view: they themselves — the Senate he was addressing — had deprived Sulpicius of life; for they would not admit his illness as an excuse, but insisted on his undertaking the embassy, of which he had a presentiment that it would kill him. "Restore, then, to him," he exclaimed, "the life you have taken from him — for the life of the dead consists in the memory of the living. Provide that he whom you unconsciously sent to his death may obtain from you immortality." He proposed that the statue should not be a gilt equestrian one, but of bronze, and representing Sulpicius on foot. This, he said, was more con-

sonant to the modest character of the man, who hated ostentation, and blamed the arrogance of the age. He concluded, therefore, by moving that a bronze statue, a public funeral, and a tomb at the public cost, should be decreed in honor of the deceased.[1] This was carried in the affirmative; and Pomponius, who flourished in the reign of Aurelian, mentions the statue as existing near the Rostra in his time.

It is impossible not to wish that Atticus had been absent from Rome at this critical period, for then we should no doubt have had several letters which Cicero would have written to him, and we should have been admitted, as it were, behind the scenes. We find him writing to Trebonius in February in a half-angry tone, because, by taking Antony aside at the time of Cæsar's assassination, he had been the means of saving his life. To Cassius he also wrote in encouraging language, to confirm his resolution to hold his province of Syria against all attacks. The news that soon reached him from that quarter was of a favorable kind. Dolabella was on his way to Syria, to wrest from him that province, which they both claimed under the authority of the Senate. Legion after legion had gone over to Cassius's standard, and he was now at Tarichea in Palestine at the head of a formidable army.

It is pleasant to turn from the din of arms and strife of politics, and to catch once more a glimpse of Cicero in private life; to regard him, perhaps for

[1] For the formal terms of the resolution see Phil. IX. 7. One part of it was that a space of five Roman feet round the statue on all sides should be kept clear as standing-room for the children and descendants of Sulpicius, from which they might be spectators of gladiatorial combats and other shows.

the last time, not as an orator and a politician, but as an agreeable companion and a facetious friend. We have, alas! no more letters to Atticus, but one has been preserved which he wrote at the end of February to Pætus, in which he good-humoredly jokes him for having given up dining out. He thought that public troubles were no reason why there should not be "cakes and ale." He advised Pætus therefore to take again to his good old habit, for if not, he would forget how to give a *petit dîner*,[1] at which he was never much of a proficient. There was, he said, nothing like agreeable company and social intercourse to make life pass pleasantly, and a banquet was the place to find them. Therefore, as a philosopher, he advised Pætus to attend to his hint, and dine out. But, resuming a serious tone, he begged him not to think, because he wrote jestingly, that he had dismissed political anxieties from his mind. His whole energies were devoted night and day to the consideration how the safety and freedom of his countrymen might be secured, and he was ready to sacrifice his life in their cause.

Spain was divided into two provinces, and just before his death Cæsar had given the command of one of them, which included also the southeastern extremity of Gaul, to Lepidus, and the other to Asinius Pollio. Lepidus had already declared for Antony, but no intelligence had yet arrived of the course that Pollio would take. At last a letter from him reached Cicero, which was written at Corduba (*Cordova*) on the sixteenth of March. He explained the cause of his silence, of which it seems that Cicero

[1] Cœnulas facere.

had complained, by the extreme difficulty, or rather impossibility, he had experienced of transmitting despatches from his distant province. His couriers were robbed by brigands in the gloomy forests of Castulo, through which they were obliged to pass, and were stopped and searched by the soldiers of Lepidus, who were posted for that purpose. He had therefore been unable to send a letter by land; and, as no one in those days dreamed of sailing in the Mediterranean in the winter, all communication of Pollio with Rome was cut off until its close. Now, however, the sea was open, and the letter that Cicero received came by that route. More than usual interest attaches to Pollio's name, for he was the friend and patron of Virgil and Horace, and lived long into the reign of Augustus. He saved the land of Virgil at Mantua from confiscation, and in gratitude for this the poet dedicated to him his eighth eclogue. He was a critic and historian, and also a distinguished orator and advocate, as we know from the lines of Horace, —

Insigne mæstis præsidium reis
Et consulenti, Pollio, curiæ, —

and is spoken of by Virgil as a poet, —

Pollio et ipse facit nova carmina.

He wrote to explain his position, and state what his intentions were at the present crisis. He made no scruple in avowing that he hated Antony, and would rather do anything than engage in a common cause with him. That he had taken no active step hitherto was not his fault. He had been cut off from all communication with Rome, and between him and Italy lay the legions of Lepidus, in whose hands were the

passes of the Alps. Cicero might depend on his readiness to face any danger for the cause of liberty. One sentence in the letter should not be omitted, for it shows what congenial spirits the two men were. They had a common friend in Cornelius Gallus, and Pollio said, in alluding to him, "I envy him when I think of his walks and jokes with you. How much I value them you will find out if we are ever permitted to enjoy tranquillity, for I shall attach myself closely to your side."

Such was the letter which Cicero received, and which must have assured him of the loyalty of his accomplished friend. And perhaps he was at the time sincere. But Pollio, like Plancus, Lepidus, and so many others at that trying period, was a time-server, and, as we shall see, when the moment came for putting his professions to the test, he deserted the Senate and went over to Antony.

Good news came also from Macedonia and Greece. There the former proconsul, Q. Hortensius, had acknowledged the authority of M. Brutus as his successor; Antony's brother Caius was shut up in Apollonia, and the place was closely invested. Legion after legion declared against him, and one of them went over to Cicero's son, young Marcus, who was serving with Brutus. The position of parties in the three important provinces of Cisalpine Gaul, Syria and Macedonia (including Greece), was in fact nearly the same. In each there were rival claimants, each asserting that he was by law entitled to the command. What a picture of confusion was the then state of the Roman world! The Senate and the consuls were in arms against an ex-consul, who

was himself besieging the governor of a Roman province, in one of its chief towns. In Macedonia and the East, viceroy was fighting against viceroy, and in Spain the army of Lepidus was watching the army of Pollio so closely, that not even a courier could pass to Rome without being stopped and robbed of his despatches. The veterans of Cæsa were arrayed against each other in opposite camps Cæsar's adopted son was bent on the destruction of Cæsar's colleague in the consulship — of the man who had heaped honors on the memory of Cæsar, and was, more than any other, feared by the conspirators, lest he should be the avenger of his death. Octavian was fighting on the same side as Brutus and Cassius: he, who had reproached Antony for remissness in allowing the assassins to escape, was now making common cause with those assassins, and endeavoring to rescue one of them from his grasp. In Rome itself Antony was not without friends — party they could be hardly called, for his chief supporters had followed him to the camp. In direct opposition to them were the Ciceronians; for so, as Appian tells us, the party that followed Cicero as their leader was called. Their creed was that Antony was a far worse despot than Cæsar, and that the liberties of Rome must perish unless he were destroyed.

When the despatch addressed by M. Brutus to the consuls, to inform them of what was going on across the Adriatic, reached Rome, Pansa immediately summoned a meeting of the Senate, and laid the contents before them. The question, in effect, which he proposed was, whether Brutus should be

formally invested with the command of the provinces which he held by right of the sword; and he addressed the Senate in a speech in which he praised his actions in very complimentary terms. But, as usual, he called on Fufius Calenus to rise first and deliver his opinion. He spoke in the negative, and advised that Brutus should be deprived of military command. He was followed by Cicero, in a speech which is known as the tenth Philippic. It must have touched Calenus to the quick, and it may be described in the language applied by David to his enemy, — "The words of his mouth were smoother than butter, but war was in his heart: his words were softer than oil, yet were they drawn swords." He began by expressing his apprehension lest their constant disagreement in opinion might lessen their friendship, for he still assumed this to exist, however little we may believe in its sincerity. He twitted Fufius with having the misfortune to be almost always in a minority of one, and professed himself utterly at a loss to understand how so excellent a man could attack Brutus and stand up as the champion of Antony. How came he to hate those whom everybody loved, and to love those whom everybody hated? Calenus had done a thing very unusual in the Roman Senate: he had read either the whole or a part of his speech. All the praise he had bestowed on Brutus was to say that his letter to the consuls was well written, and he proposed that the fact should be so recorded. Cicero ridiculed this idea, which he said had not even the excuse of being a hasty and extempore suggestion. He asked who had ever seen a resolution of the Senate approving of the *style* of a letter? Then

turning from Calenus, he pronounced a flowing panegyric upon Marcus Brutus, giving him credit for rather more than he deserved; and he appealed to the Republic herself to say whether she would hand over her legions to Brutus or to Antony. He knew it might be urged that his appointment would be distasteful to the veterans of Cæsar, but there was no force in the objection. In a strain of lofty eloquence he protested against the notion that they were to be terrified by the bugbear of the displeasure of the veterans. He little foresaw that the time would come when Prætorian guards would put up to auction the Imperial throne.

"What," he exclaimed, "is meant by always bringing up the name of the veterans? I am ready to praise their valor and good conduct, but if they gave themselves airs, I could not endure their arrogance. When we are endeavoring to break the chains of slavery, shall we be stopped because we are told that the veterans are against us? I suppose, forsooth, that there are not innumerable thousands who would take arms to defend the common liberty, and that there is no one but the veteran soldiers whom a noble indignation impels to cast off the yoke of slavery! But be it so — let me say what is true, and at the same time befitting me to speak. If the members of this august body are to be at the beck of the veteran soldiers, and all our words and actions are to be regulated by what pleases them, let us rather choose death, which Roman citizens have always preferred to slavery. . . . Let me concede the point that the issue of war is uncertain and fortune fickle — still we must fight for liberty even at the hazard of our lives. For life is not mere breath — it has no existence in the slave. All other nations may endure the yoke of servitude, but ours cannot. And this for no other reason than that they shun toil and hardship, to escape which they are ready to bear everything; while we have learnt the lesson from our ancestors to make virtue and self-respect the standard of our actions and our thoughts. So glorious is the recovery of freedom that not even death is to be

dreaded in the attempt. But even if by declining the danger we could purchase immortality, that would be a boon to be rejected in proportion as the duration of our servitude would be longer Since, however, we are exposed day and night to accidents of all kinds, it is not becoming to a man, and least of all to a Roman, to hesitate to give to his country the life which he owes to nature."

He concluded by moving a resolution that the whole military force had been preserved to the Senate, and Quintus Cæpio Brutus,[1] the proconsul, had done good service to the State, and acted in a manner befitting the glory of his ancestors, and had earned the gratitude of the Senate and the Roman people; that he should keep and defend those provinces, and command the army he had raised, and be furnished with money and supplies at the public cost. The motion was carried as Cicero proposed.[2]

Tidings about this time reached Rome that Dolabella had committed a frightful crime. On his way to Syria to contest the government with Cassius, he entered Smyrna with his troops, where Trebonius, the proconsul of Asia Minor, happened to be staying. He paid him a visit and pretended to be on

[1] It will be remembered that Brutus had assumed this name on adoption.

[2] A voluminous correspondence between Cicero and Marcus Brutus is found in Ernesti's and other editions of Cicero's works, collected at the end of the letters *Ad Diversos* or *Familiares*. The general opinion of the best scholars now is that the letters are not genuine. Niebuhr says (*Hist. of Rome*, V. 105), "The question about their genuineness was raised about a hundred years ago by English critics, and I know that F. A. Wolf was decidedly of opinion that they are a fabrication; but I cannot express myself with the same certainty. I should like to see them proved to be spurious, as I am morally convinced that they are." Middleton quotes them constantly, and had no suspicion of their doubtfulness until they were attacked by Tunstall in his famous *Epistola ad Conyers Middleton* (Cantab. 1741). He then defended them, and the controversy was carried on between the two scholars, not without some bitterness on both sides. A recent German writer named Guettingue maintains the genuineness of the letters.

the most friendly terms with him, when he suddenly ordered his soldiers to seize and scourge him in his presence, while he demanded from him the surrender of the public treasure of the province. For two days he subjected the unhappy man to the most cruel tortures, and then had his head cut off and stuck upon the point of a spear, ordering the body to be dragged along the ground and thrown into the sea. This inhuman murder excited feelings of horror and indignation at Rome; all parties joined in execrating it. A meeting of the Senate was called, and Fufius Calenus proposed that Dolabella should be declared a public enemy, and his property confiscated. Cicero followed, and, thanking Calenus for his proposal, energetically supported it. He seized the opportunity of drawing the character of his worthless son-in-law in the darkest colors.

Before he sat down he again alluded to the objection that Cæsar's veterans might be offended by the appointment of Cassius, and again boldly declared that even if it were so, they ought not to be deterred.

"How long," he asked, "are we to deliver our opinions to please the veterans? Is their arrogance come to such a pitch that we are to choose our generals at their dictation? My own view is, for I am determined to say what I think, that we ought not to regard the opinions of the veterans so much as the opinions of the young soldiers — the flower of Italy — the new legions who are eager to give their country freedom — and of the whole of Italy. For nothing flourishes forever — age succeeds to age — the legions of Cæsar have had a long spell of glory — now our Pansas and Hirtiuses and sons of Cæsar and Plancuses have their turn — they are more numerous — they are younger men — their authority has greater weight. For they are carrying on a contest which the whole world applauds. To them rewards have been promised, to the others rewards have been already paid."

From the Senate Cicero went to the Forum, and there addressed the people, telling them what he had said. He was loudly cheered, and in one of his letters he declares that he never knew them so enthusiastic. Although it is slightly anticipating, I may state that Dolabella soon ceased to give any trouble in the war, for having thrown himself into Laodicea where he was closely besieged by Cassius, in order to escape capture he put an end to his life by suicide.

It is impossible not to admire the energy of Cicero at this period. In Rome he was the life and soul of the opposition to Antony, and he was grander in the last year of his life, when he was animating the Senate and the people to dare everything for the sake of their country, than during his consulship. Nobler accents of eloquence were never heard than those which from time to time burst from his lips, as he thundered against the traitors who were in arms at Mutina; and it is difficult to recognize in the intrepid orator the timid and vacillating correspondent of Atticus. I believe that the real reason of the difference was his unhesitating conviction, now, that he was right. In the civil war between Cæsar and Pompey he was always haunted with the idea that he might be deciding wrong. He could never act boldly unless his conscience was at ease. But he had neither doubts nor misgivings now. He loved his country with a passionate affection, and he saw in Antony her worst enemy. If he was victorious, the liberties of Rome were gone. He would be an infinitely worse ruler than Cæsar, and yet Cicero regarded Cæsar's rule as nothing better than an execrable tyranny. His own safety also was deeply

compromised in the struggle, and nothing but victory could preserve him from destruction. Antony had already, as he tells us in one of the Philippics, given away beforehand his property to one of his creatures, and death was the least that he could expect at the hands of the conqueror. He might be said to fight with a halter round his neck against the enemy of his country and his own.

It was proposed to send a second embassy to Antony, and Pansa brought the question before the Senate. Calenus and Piso, the two who were first asked their opinions, were in favor of it, and they named as the most proper persons to undertake it, P. Servilius and, of all in the world, Cicero! It is easy to imagine his feelings of disgust at such a suggestion. It was bad enough to talk of another embassy at all, but to send *him* on such an errand was intolerable. He rose and protested against the motion altogether, in a speech which forms the twelfth Philippic. I need not dwell upon the arguments with which he combated the proposal of a second embassy, but that part of his speech in which he deprecated the idea that he should be one of the ambassadors, is curious, as illustrating the difference between ancient and modern manners. With us a man who should be selected for a public service of danger would hardly like to confess that the danger alarmed him, or to urge that his life was of too much value to the State to be sacrificed. And yet Cicero did this without scruple.

After entreating the Senate to spare him the pain of an interview with a man who was his bitterest enemy, and with his profligate associates, he asked

them whether they did not think that some regard should be shown for his life.

"I care little for it," he said, "myself, especially since Dolabella has acted in a way to make me desire death, so that it be without tortures and torments. But to you and the Roman people my life ought not to be of no account. For I am one who, unless I deceive myself, by my vigilance and care, and the dangers I have braved from the bitter hatred of wicked men, have at least not injured the Republic — that I may not seem to arrogate anything to myself — and, since this is so, think ye that I ought to pay no regard to my own danger?"

If they would permit it, he said, he wished to remain in Rome.

"This is my station — this my watch-tower — this my fortress and my camp . . . No one is less timid than I am, but at the same time no one is more upon his guard. Facts speak for themselves. It is now twenty years since the scelerats of our country have all been directing their attacks against me. They have paid to the Republic (not to say to myself) the penalty of their crimes — the Republic has hitherto preserved me for herself."

His arguments had the desired effect, and the idea of a second embassy was finally abandoned.

CHAPTER XXIV.

THE SIEGE AND BATTLES OF MUTINA, AND TREACHERY OF OCTAVIAN.

ÆT. 64. B. C. 43.

THE middle of March had arrived, and Pansa left Rome with the levies he had raised, to join his colleague and the army in the neighborhood of Mutina. As spring advanced, Antony had led his legions that wintered in Bononia along the Æmilian Road, which skirted the northern base of the Apennines, and, having effected a junction with the blockading force, was vigorously pressing forward the siege. It is one of the most famous in history, and all the resources that were at that time known to the art of war were exhausted both in the attack and the defence.

The attitude of Lepidus and Plancus in the West gave Cicero some uneasiness. They both wrote letters to the Senate advocating peace. Plancus sought to excuse himself for his apparent hesitation hitherto in declaring himself on the side of the Senate. He said he had to secure the fidelity of his army, and also of the towns of his province, both of which had been tempted by large promises from Antony. Now, however, he was able to speak out. He was at the head of five legions, on all of whom he could thoroughly rely, and they were animated by the best feelings

towards the cause of the Republic. He was willing to bear the whole brunt of the war himself, if he could only, at his own peril, secure the safety of his country, or, at least, delay the approach of danger. Fairer professions than these no man could make, and he wrote to Cicero privately in the same strain. He got the letter early in the morning of the seventh of April, as he was about to leave his house, attended, as usual, by a crowd of admiring friends. He read it with delight, and immediately made known the contents to those around him; and as the public letter of Plancus was almost immediately after put into his hands, he went off at once to show it to Cornutus, the city prætor, upon whom, in the absence of the consuls, their functions by law devolved. He immediately convoked the Senate in the Temple of Jupiter, and, as the news got abroad that an important despatch had arrived, there was a crowded meeting. But, owing to some informality in the religious ceremony with which the proceedings of the Senate always opened, the house was adjourned until the following day. When they met, Servilius was first called on to speak, and it appears that he was not very complimentary to Plancus. Cicero followed, and proposed a vote of thanks to him in highly eulogistic terms. This would have been carried at once, but Servilius induced one of the tribunes to interpose his veto. The consequence was that the debate was again adjourned; and next day Cicero made a still more energetic appeal in favor of Plancus, and finally carried his point.

A letter was addressed by Antony at this juncture to Hirtius and Octavian, which Hirtius immediately

transmitted to Cicero, with permission to read it to the Senate, or, if he thought fit, to the people at a public meeting. We know its contents from the long and sarcastic comment which he made upon them. They consisted of a catalogue of all the grievances of which Antony complained. In it he said:

"Fortune has hitherto avoided the spectacle of two armies that belong to the same body politic fighting together, with Cicero, like a master of gladiators, pitting the two against each other. He is so far lucky that he has deceived you with the same glozing tongue with which he boasted that he deceived Cæsar. I am resolved not to bear any insult to myself or my friends, nor to desert the party which Pompey hated, nor to allow the veterans to be expelled from their settlements, and put one by one to the torture, nor to break faith with Dolabella, nor violate my league with Lepidus, a man most scrupulous in the discharge of duty,[1] nor betray Plancus, the partner of my counsels. . . . Finally my views may be summed up thus: — I can bear the injuries done by my friends, if either they themselves are willing to forget them, or are ready to avenge with me the death of Cæsar. I do not believe that any ambassadors are coming, but when they do come I shall know the demands they bring."

With this insolent letter in his hand, Cicero entered the Senate-house, for another meeting had been summoned to take into consideration the public letter of Lepidus. Servilius proposed that Lepidus should be thanked for his love of peace, and the interest he took in the welfare of his country, but, at the same time, be informed that he had better leave the matter to the Senate, whose opinion was that there could be no peace with Antony unless he laid down his arms. Cicero rose afterwards, and delivered the

1 *Piissimi.* Cicero ridiculed Antony for coining this superlative, which was not Latin, as every schoolboy at the present day knows: "quod verbum omnino nullum in linguâ Latinâ est." — *Phil.* XIII. 19.

oration known as the thirteenth Philippic. It is, perhaps, with the exception of that against Piso, the most savage of all his speeches; and he poured out the full fury of his hatred against Antony in a torrent of invective which is almost without a parallel.

After insisting that peace with such men as Antony and his associates was impossible, he praised Lepidus in his usual style of lofty compliment, and said that so good a man and citizen might possibly be mistaken in opinion, but could not be suspected of any view hostile to the commonwealth. He declared, —

"The struggle is to save Decimus Brutus from destruction. One infuriated gladiator, with a band of execrable brigands, is carrying on war against his country, his household gods, our hearths and altars, and against four consuls. Can we yield to him? Can we listen to his terms? Can we believe peace possible with *him?*"

He afterwards took Antony's letter, and, reading it sentence by sentence, kept up a running fire of bitter and sarcastic remarks. Some of them are worth quoting; although the constant repetition of violent abuse is tedious. When he read the passage in which Antony expressed his joy that Trebonius had fallen a victim as an offering to the *manes* of Cæsar, he cried out, —

"O Spartacus, for what else can I call you? owing to whose nefarious crimes Catiline appears tolerable; have you dared to write that we ought to exult that Trebonius was punished? Trebonius criminal? Of what crime was he guilty except that he saved you by drawing you aside from the death that was your due?"

Then, referring to what Antony had said about his surprise at the conduct of Hirtius, who had been

elevated to his high position by the kindness of Cæsar, he went on, —

"For my own part I cannot deny that Hirtius had honors conferred on him by Cæsar; but these honors, accompanied as they are by virtue and industry, are his ornament. You, however, who also cannot deny that you had honors heaped upon you by Cæsar — what would you have been if he had not bestowed so much upon you? Would your virtue or your birth have given you advancement? You would have wasted your whole life, as in fact you did, in the stews, at the gaming-table, and in drunkenness, when you gave yourself up, soul and body, to the embraces of ballet-girls."[1]

Antony had called the Senate "Pompey's camp," and Cicero seized the opportunity of contrasting the rebel senators in the camp at Mutina with the senators of Rome. There was to be found the ruined bankrupt Trebellius, who had cheated his creditors; there Bestia, and Annius, and Gallius, and Cœlius, and Cotyla, — men whom Antony, by way of amusement, got whipped by public slaves at one of his feasts. There were Lento and Nucula, and that pet favorite of the people, Lucius Antony; two tribunes elect, one of them Tullus Hostilius, who abandoned his commander when he could not betray him, and the other Viseius, a stout robber, and once a common bath-man. There was Tillus Plancus, who, if he had loved the Senate, would not have set the Senate-house on fire; and who had falsified the prophecy that he could not perish unless his leg was broken. His leg was broken, but he still lived. There were Decius, and Saxa, — a barbarian who was made a tribune before

1 Cicero here makes a shockingly bad pun, which is quite untranslatable: — "Cum in gremio mimarum mentum mentemque deponeres."

he was known, as a citizen — and Exitius, and the self-constituted senator Asinius. He saw the Senate-house open after Cæsar's death, and, slipping off his sandals and putting on buskins, was suddenly metamorphosed into a Conscript Father![1] Albedius he did not know; but no one was so calumnious as to deny that he was a worthy member of Antony's Senate.

"Such then," he exclaimed, "was the Senate on which Antony plumes himself when he talks in scorn of a Pompeian Senate, in which ten of us have been consuls; and if all now lived, this war would not have happened, for audacity would have yielded to authority. But what power the rest would have exerted may be inferred from the fact that I, left alone out of many, have singly, with your support, confounded and crushed the boldness of the exulting brigand."

He then mournfully went over the names of the consular senators they had lost, — Sulpicius, and Marcellus, and Afranius, and Lentulus, and Bibulus, and Domitius, and Appius Claudius, and Publius Scipio, — and gave appropriate praise to the memory of each. Alluding to the epithet of *lanista*, which Antony had applied to himself, he said, "I will brand him with eternal infamy, and my invective shall be the truth. I a master of gladiators! Yes, and no novice in my trade. For I wish the throats of the worst amongst them to be cut, and the better men to win the day." In concluding his speech, Cicero briefly said that he agreed in the opinion of Servilius, who had preceded him, and added, as his own motion, that the thanks

[1] "Mutavit calceos: pater conscriptus repente factus est." The Senators at Rome wore a distinctive kind of shoes, which were high like buskins, and fastened in front with four black strings. They were also ornamented with a small crescent.

"Appositam nigræ lunam subtexit alutæ." — *Juv* VII. 192.

of the Senate should be given to Sextus, or, as he called him, "Magnus Pompeius, the son of Cnæus," for promising the assistance of himself and his followers to the Senate and Roman people.

After he left the Senate-house, at the conclusion of the debate, Cicero wrote a short and dry letter to Lepidus, the tone of which showed that he was by no means pleased with the officious step he had taken in recommending peace. We know, from the letter of Asinius Pollio before quoted, that Lepidus had openly declared his adhesion to Antony; and this must have been perfectly well known to Cicero, although he thought it politic, both in his speech and his letter, to assume that he was still loyal to the Republic. But he said enough to show that he was on his guard, and, with the Senate and people on his side, was not to be frightened by the defection of the governor of a province.

He wrote about this time, that is, in April, to his friend Cornificius in Africa, in a cheerful tone, and described himself as full of hope — constantly busied in public affairs, and the open and determined foe of all the enemies of his country. He said he thought that success now was not difficult to attain, and would have been extremely easy if all had done their duty. To Cassius he wrote that matters had com to a crisis, and that Decimus Brutus was hardly abl to hold out at Mutina. "If he is saved," he said "we are victorious; but if not (may Heaven avert the omen!), we shall all look to you and Marcus Brutus for safety."

It must have been an anxious time at Rome in that month of April, B. C. 43, when, day after day

men were expecting to hear of a battle which would decide the fate of the Republic. Protected by a fortified camp before the walls of Mutina, Antony pressed forward the siege; but glorious news arrived in the capital in the middle of the month. A great battle had been fought, and Antony was defeated. After he had evacuated Bononia to join the besieging force before Mutina, the place was occupied without resistance by the united columns of Hirtius and Octavian. Soon afterwards they advanced along the Æmilian road towards Mutina, but were checked by the river, which Antony had strongly guarded. It was of the last importance that they should communicate their approach to Brutus, and encourage him to hold out to extremity, for he was hard pressed, and the garrison was suffering from the want of provisions. Hirtius therefore employed divers, who were to carry despatches written on pieces of lead, and swim across the river under water. He hoped that when they gained the opposite bank they would be able to get into Mutina unobserved. But the stratagem was discovered by Antony, and he adopted an ingenious expedient to baffle it. He caused nets to be sunk in the river in different places, and in these the luckless divers were caught, and hauled on shore. We can imagine the rough merriment in the camp when an unfortunate swimmer was brought to the surface, struggling like a huge porpoise in the net. When this plan failed, Hirtius made use of pigeons as his messengers; and, as there were no muskets in those days to arrest their flight, they were able to wing their way safely to the town, and carry the letters that were attached

to their wings. At last Antony heard that Pansa was near at hand, at the head of the strong reinforcements he had brought from Rome, and he felt how important it was to strike a decisive blow before the relieving army was joined by these additional troops. Leaving, therefore, his brother Lucius in command of the camp, with sufficient numbers to keep Brutus in check, he advanced with the rest of his forces to attack Hirtius and Octavian. I do not know the exact spot they occupied, but it seems to have been at some little distance off the Æmilian road, between Mutina and a place called Forum Gallorum, a few miles from Bononia. For several days the hostile armies confronted each other, but no collision took place, except in partial skirmishes between the cavalry, as foraging parties on both sides were sent out and came into collision. But Antony made a strong reconnoissance, and drove Hirtius and Octavian back into their camp. The rest may be told in the words of Galba, one of Hirtius's officers, who commanded the Martial legion, and who sent Cicero a letter giving an account of the battle.[1] It is a model of soldierly simplicity, and, in the abrupt style in which it begins, reminds us of the famous despatch of the Duke of Wellington written on the day after the battle of Waterloo, which commences with the words, "Buonaparte . . . . . advanced on the 15th, and attacked the Prussian posts . . . . . at daylight in the morning."

Pansa had reached Bononia with four legions, and, marching through the town, had pitched his camp at some little distance to the west, on the side

[1] He was the great-grandfather of Galba, the Roman emperor

of the Æmilian road. But Hirtius sent Galba to him with a pressing message to bring on his troops and join him immediately. This was on the tenth of April. Next morning Antony pushed on from his quarters to intercept Pansa, and crush him before he could effect a junction with Hirtius and Octavian. He imagined that he would have to deal only with the new levies of Pansa, who were raw and inexperienced troops, and he anticipated an easy victory. But Hirtius had taken the precaution to strengthen Pansa by sending on to Bononia the night before, under the command of Carfulenus, the Martial legion — a body of veterans who were the very flower of his army — and two prætorian cohorts, so that he was prepared to give Antony a reception he little expected. When Antony reached Forum Gallorum, he halted his heavy infantry there; and, to deceive the enemy as to his real strength, sent forward only a body of light-armed troops and cavalry. As soon as the soldiers of the Martial legion and the prætorian cohorts caught sight of the advancing squadrons, nothing could restrain their ardor. Without waiting for the signal of attack, and regardless of the efforts of their officers to restrain their impetuosity, they rushed forward to the battle. Pansa immediately ordered two of his new legions to hasten on to their support; and as they extended in line, they had to force their way through the thick woods and marshy ground that lay on both sides of the Æmilian road. Seeing how serious matters looked, Antony brought out his whole force from the town, and a general engagement began. It was bravely and obstinately contested on both sides, and Cæsar's veterans fought

for the first time in opposite ranks. Eight cohorts of the Martial legion, under Galba, occupied Pansa's right wing, and the fury of their charge was so great that they drove back Antony's Thirty-fifth legion, and followed them in hot pursuit far beyond their own lines. The consequence was that the enemy's cavalry began to surround them, and they would have been cut off from the main body if a retreat had not been sounded; but as it was, they had some difficulty in getting back. The centre of both armies was on the Æmilian road, and here the battle raged for some hours without either side being able to obtain the advantage. But Pansa's left wing, on the south of the road, where he himself commanded in person, was not so fortunate. It consisted of only two cohorts of the Martial legion and one prætorian cohort, and was so hard pressed, especially by the cavalry, which began to outflank it, that it was compelled to fall back. This led to a general retreat of the whole line towards their camp, and Antony followed close upon them, hoping to be able to capture it at a blow. But he attacked it in vain. The resistance was so desperate, and his own loss so great, that he began to retire. But a new enemy now appeared upon the scene. Hirtius, who seems to have acted throughout like a brave and skilful general, when he heard that an engagement was going on, left Octavian to guard his camp, and, putting himself at the head of twenty veteran cohorts, hurried forward to the support of Pansa. He came up with the retiring columns of Antony just as they had reached Forum Gallorum on their way back, and fell upon them with such fury that he completely routed

them with great slaughter. During the engagement Octavian, who was left to guard Hirtius's camp, with only a few cohorts, was himself attacked, but he succeeded in repulsing the enemy. It was now dark, for it was nearly nightfall when the second battle began, and Antony fled, with part of his cavalry, to his camp before Mutina. The victory was complete, but it was dearly purchased by the loss of the gallant Pansa. He received two mortal wounds in the battle, and was carried into Bononia, where he lingered for some time before he died.

Three or four days before news of the victory arrived at Rome, gloomy reports of some great reverse had reached the city. When the rumor spread that Antony was victorious, his partisans assembled in the Curia Hostilia, and began to talk of taking possession of the Capitol and the gates, to throw them open to the conqueror, who they fondly hoped was already on his march to Rome. In order to make Cicero unpopular, they industriously circulated a report that he was going to proclaim himself Dictator, and, according to his own statement, intended themselves to offer him the office, in hopes that he would readily accept it, and so give hired assassins a pretext for dispatching him as aiming at absolute power. So great was the agitation that Apuleius, one of the tribunes and a friend of Cicero, held a public meeting, and, haranguing the people, denounced the whole story as a wicked calumny. The crowd loudly cheered him while he spoke, and shouted out that Cicero had always been the best friend of the Republic. His enemies were soon confounded, for that same day, two or three hours after

TEMPLE OF JUPITER CAPITOLINUS

RESTORED BY CAV. CANINA.

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the meeting, a messenger arrived in Rome with tidings of Antony's defeat. In a moment all was changed. The joy of the multitude knew no bounds, and to whom should they turn but to him whose voice had for five long months rung in the Senate and the Forum like the sound of a trumpet-call to battle? They rushed tumultuously to Cicero's house, and, calling upon him to come out, accompanied him, in surging crowds, to the Capitol, to return thanks to the gods for victory. It was a proud moment for Cicero as in the midst of that jubilant throng he slowly walked along the *Via Sacra* up the ascent to the summit of the hill which was crowned by the glorious Temple of Jupiter. He was escorted home again in the same manner, like a triumphal conqueror, and felt, indeed, as he afterwards said, that it was a real and genuine triumph to receive thus the acclamations of his countrymen in gratitude for his services to the State.

The messenger from the army had brought a public despatch from Hirtius and Octavian; and Cornutus, the city prætor, lost no time in assembling the Senate next day in the Temple of Jupiter in order to communicate the contents to them. After he had read the letter aloud, he, as usual, called upon the senators in turn to deliver their opinions. Some of those who preceded Cicero, in the intoxication of the moment, and as if the war was already at an end, proposed that everybody should at once lay aside the military dress, which had been universally worn for the last few weeks, and resume once more the peaceful *toga*, the ordinary garb of peace. Servilius moved that a public thanksgiving should be decreed in grat-

itude for the victory; and then Cicero rose and delivered the last of the long series of his Philippics — the last, in fact, of all his speeches which has come down to posterity.[1] It possesses, therefore, unusual interest for us.

His habitual prudence did not forsake him, nor did he allow himself to be carried away, like many of the senators, by the transport of the hour. He declared the proposal that the citizens should put off their *saga*, or military uniform, to be at least premature. The great object of the war was to deliver Decimus Brutus, and he was still beleaguered in Mutina. If they put on their togas to-day, they might have to put them off to-morrow, and it would be hardly decent to do this just after they had in their dress of peace returned thanks for victory at the altars of the gods. He warned them not yet to consider their victory complete. It was presumptuous in them thus to forestall the judgment of Heaven, and it was folly to be too confident in the uncertain fortune of war. He earnestly endeavored to persuade the Senate to declare Antony a public enemy (*hostis*), which, strange as it may seem, had not yet been done.

He next proposed that the number of days for a public thanksgiving, mentioned in Servilius's motion, should be increased to fifty, on account of the number of the generals they wished to honor; and that Hirtius, Pansa, and Octavian should each have the title of *Imperator* conferred upon them. He adroitly managed to bring in his own services and speak at

[1] The grammarian Nonius quotes two passages of another Philippic, which he calls the sixteenth, but, if it ever existed, it is no longer extant.

some length of himself by alluding to the proud delight with which the victorious generals would enter as *Imperators* that temple where they were then sitting, when they recollected that it was on account of their exploits that the people had the day before conducted him in triumph to the Capitol. Alluding to Pansa's wounds, the tidings of whose death had not yet reached Rome, he said, "Carried off from the fight, he has reserved his life for the Republic. In my judgment he is not only an *Imperator*, but a most illustrious one, who, when he had engaged to satisfy his country either by victory or death, made good one alternative of his promise; as to the other, may the immortal gods avert the omen!" He described the gallantry of Hirtius, who himself carried the eagle of the Fourth legion, and scattered the robber-bands of Antony. "Happy," he cried, "most happy was the sun himself that day, who, before he hid his rays, saw the ground strewed with the corpses of parricides, and Antony, with a few followers, a fugitive." As to Octavian, who had guarded the camp, and there fought with and repelled the enemy, his youthful age was no ground for not giving him the title, for his merit had outstripped his years. In memory of those who had fallen in battle, he proposed that a magnificent monument should be erected. He apostrophized the departed warriors thus:—

"O happy death, which, due to nature, has been paid rather as a debt due to your country! But I deem you men who were born for your country: your very name was derived from Mars, so that the same deity seems to have created this city for the world, and you for this city. Death in flight from the battle-field is disgraceful, but glorious in victory, for Mars himself usually selects the bravest from the ranks. Those impious wretches whom ye

slow will pay the penalty of their parricide in the infernal regions; while you who breathed out your latest breath in victory have gained the dwelling-place and home of the blessed. Brief is the span of life given us by nature; but the memory of a life nobly rendered is immortal. And if indeed it were no longer than this life of ours, who would be such an idiot as to face the extremity of toil and danger in order to win the highest glory and renown.

"It is well then, soldiers, with you—the bravest of the brave while you lived, but now sanctified by death. For your merit can never lie unsepulchred, either by the oblivion of those who now exist, or the silence of posterity, when the Senate and Roman people have raised to you, almost with their own hands, an imperishable monument. There have been many great and noble armies in the Punic, Gallic, and Italian wars, but on none has an honor of such a kind been bestowed. And would that we could do even more for you, since we have received from you the greatest blessings. You drove away Antony in his fury from the city. You repelled him when he was attempting to return. There shall therefore be reared on high a memorial building of splendid workmanship, and characters shall be engraved on it — the eternal witness of your divine excellence. And never shall the language of gratitude cease respecting you, either from those who see your monument or those who hear of it."

He then turned to address words of consolation to those who were mourning the loss of relatives. The passage may be compared with a similar one in the funeral oration of Pericles in memory of those who had fallen in the Peloponnesian war, as given by Thucydides. Cicero said:—

"But since, Conscript Fathers, the proper meed of glory is bestowed upon these good and gallant citizens by giving them monumental honors, let us console their nearest relatives, to whom indeed those honors are the best consolation. They are so to parents because they have produced such bulwarks of the State; to children, because they will have in their own families examples of virtue; to wives, because they are deprived of husbands whom it will be better to eulogize than mourn; to brothers, because they

will hope to be like them in virtue as they are in bodily resemblance. And I earnestly wish that I were able by any words or advice of mine to wipe away tears from all their eyes; or that any oration could be spoken which would make them lay aside their sorrow, and rejoice rather that amongst the many and various kinds of death incident to men that which is the most glorious of all has been the lot of their relatives, and that they have not remained unburied nor abandoned on the field of battle, (which yet is thought no piteous fate when suffered for one's country,) nor with their ashes dispersed in separate and lowly tombs, but covered over by a public monument which will exist forever as an altar to virtue. They will find it therefore the greatest alleviation of their sorrow that by the same monument are proclaimed the virtues of their kindred, the faith kept by the Senate, and the memory of a most cruel war, in which, had it not been for the matchless merit of those soldiers, the name of the Roman people would have perished by the parricidal act of Antony."

He concluded by moving, in formal terms, the adoption of what he had proposed.

Such were the closing words of the last speech of the great Roman orator of which any record has been preserved. We may be sure that it was not the last, for it is not likely that he would be silent in the Senate when the news of the next decisive victory arrived; and, besides, we have his own positive statements in subsequent letters that he spoke more than once afterwards. But if it had been the last, and his countrymen had known it, the sound of his voice must have fallen on their ears like a funeral knell. In reviewing the long series of orations which he delivered during the second civil war, it is difficult to express sufficiently the praise that they deserve. They are, in my opinion, quite equal to the Philippics of Demosthenes, and in some respects, perhaps, superior. But, whatever difference there may be on this

point, all must agree that they are astonishing efforts of eloquence. It is impossible to do justice to them by a translation — at least by any to which I feel myself equal. Nothing can exceed the beauty of the language, the rhythmical flow of the periods, and the harmony of the style. The structure of the Latin language, which enables the speaker or writer to collocate his words, not, as in English, merely according to the order of thought, but in the manner best calculated to produce effect, too often baffles the powers of the translator, who seeks to give the force of the passage without altering the arrangement. Often, again, as is the case with all attempts to present the thoughts of the ancients in a modern dress, a periphrasis must be used to explain the meaning of an idea which was instantly caught by the Greek or Roman ear.[1]

But with all such disadvantages I hope that even the English reader will be able to recognize in these speeches something of the grandeur of the old Roman eloquence. The noble passages in which Cicero strove to force his countrymen, for very shame, to emulate the heroic virtues of their forefathers, and urged them to brave every danger, and welcome death rather than slavery in the last struggle for freedom, are radiant with a glory which not even a translation can destroy. And it is impossible not to admire the genius of the orator, whose words did more than armies for the liberty of Rome. Indeed, it is more

[1] We have, for instance, no single word to express what was meant by *Consulares*, which had so grand a sound in ancient Rome. If we say "men of consular rank," we weaken the force of the appellation. If we say "consulars," we coin a word which is not English; and if "ex-consuls," we run the risk of conveying the impression that we mean only the consuls of the preceding year.

than probable that, if it had not been for him, there would have been no army but that of Octavian in the field against Antony, and Octavian alone, without the support of the consuls and the Senate, would have been no match for his antagonist. It was Cicero who animated the consuls and Senate to resistance, and secured to them the support of the people in the appeal to arms. It was he —

> "whose powerful eloquence awhile
> Restrained the rapid fate of rushing Rome."

Amidst declared enemies and lukewarm friends, he stood almost alone in his determined hostility to every proposal for a dishonorable peace.[1] With the masses he was, at this period, the most popular man in Rome. We know it from the way in which he was received when he appeared in public. The multitude thronged round him and cheered him as he walked along the streets. And when the image of Minerva, which we may remember he had taken from his house and placed in the temple of the Capitoline Jupiter, just before his exile, was thrown down by a storm and broken, the Senate decreed that it should be restored at the public cost. We have seen how he was escorted to the Capitol when the news of the first victory arrived. For he was looked upon as the representative of the cause for which they fought, and when success came it was to him they paid the homage of their joy.

But the war was not yet over. Anxiety still pre-

1 And yet Drumann (*Gesch. Roms*, VI. 496) reproaches him with cowardice for staying in Rome and not joining the army employed against Antony. It would be equally fair and reasonable to reproach Pitt or Canning for not leaving England to fight against Napoleon.

vailed at Rome, and the thoughts of all were still turned to the beleaguered walls of Mutina. Decimus Brutus was there hemmed in by a powerful army. Might he not be forced by famine to surrender? Might not Antony, protected from attack by his fortified camp, be able to take the town by assault, and then, bursting into Cisalpine Gaul, make himself master of the whole province? But the suspense did not continue long. A few hours later in the day when Cicero had last addressed the Senate, the tidings came of another and a final victory. The camp of Antony had been stormed, and he himself, with the shattered remnant of his troops, was in full flight towards the Alps. Such no doubt was the report that spread through the streets of Rome. But it was in some degree exaggerated, and the real facts were these. After his defeat by Hirtius on the fifteenth of April, Antony kept himself within his intrenchments, and did not venture to try the chances of another battle until he received an unexpected reinforcement. I have mentioned that Lepidus, at the head of his legions in Southern Gaul and Northern Spain, had shown that his sympathies were with his daughter's father-in-law, although he had made no decisive demonstration. He was a thoroughly unprincipled man, and was prepared to join the winning side, which ever that might be. So doubtful was he at this time as to the issue of the contest, that he actually dispatched a body of troops, under the command of Marcus Silanus, one of his officers, with orders to march to Mutina, and there wait the course of events. According to Dio Cassius, he gave him no directions into which of the two hostile camps he

was to carry his eagles; and the motive for this was most probably the cowardly one that he might not himself be personally compromised, but be able to disavow the act of his officer, in case ultimately he found it convenient to do so. Silanus, therefore, marched through Italy, very much in the position of Stanley at Bosworth field, ready to act as circumstances might dictate. But when he approached Mutina, it was necessary to come to a decision. Antony was still strong, and at any moment Brutus might be compelled by famine to surrender, even if the town were not taken by storm. Silanus knew that in his heart Lepidus wished Antony to succeed, and, acting on his own judgment, he led his troops into the camp of the besiegers. Antony thus found himself strong enough to resume the offensive. He therefore advanced from his camp in force, and attacked the relieving army under Hirtius and Octavian, but was repulsed and driven back after an obstinate engagement, during which Brutus made a *sortie* from the town to assist his friends. The victorious troops penetrated quite into the camp, and Hirtius fell close to the general's tent. But Antony made a desperate rally, and Octavian was at last compelled to retire, carrying off with him the dead body of the consul. Night fell on the weary combatants, and neither side could claim a victory. Antony called a council of war, and his friends advised him to prosecute the siege with renewed vigor, and decline a battle. But he feared lest Octavian might force his way into Mutina, or in turn become the besieger of his camp by surrounding it, and then his own cavalry, the arm in which he was strongest,

would be useless. He therefore determined to evacuate his camp (or, according to another account, his camp was stormed), and immediately commenced his march in the direction of the Maritime Alps, leaving Mutina as the prize of Octavian. Brutus was not in a condition to pursue immediately the retreating foe. At the moment he did not know that Hirtius was killed, and he also mistrusted Octavian. His own troops were few in number and miserably equipped, and he had no cavalry nor baggage animals. On the next day Pansa expired in Bononia. It shows what was thought of the character of Octavian, that at the moment of victory he was suspected of two frightful murders. A rumor spread that he had bribed Glycon, the surgeon of Pansa, to poison his wounds, and had hired an assassin to give Hirtius his death-blow in the struggle at the camp. Niebuhr believes him to have been quite capable of these almost incredible crimes. His words are: "Octavian's reputation was, even as early as that time, such as to occasion a report, *which was surely not quite false*, that he had caused the surgeon to poison the wounds of Pansa, and that he had hired an assassin to murder Hirtius. If we apply the *cui bono* of L. Cassius,[1]

[1] *Cui bono?* These two words have perhaps been oftener misapplied than any in the Latin language. They are constantly translated or used in the sense of "What good is it?" "To what end does it serve?" Their real meaning is, "Who gains by it?" "To whom is it an advantage?" And the origin of the expression was this: — When L. Cassius, who is said to have been a man of stern severity, sat as *quæsitor judicii* in a trial for murder, he used to advise the *judices* to inquire, when there was a doubt as to the guilty party, who had a motive for the crime, who would gain by the death; in other words, *cui bono fuerit?* This maxim passed into a proverb, as also the expression *Cassiani judices.* (*In Verr.* III. 137, 146; *pro Rosc. Amer.* 85.) The great scholar Gronovius protested against the mistranslation as a vulgar error two centuries ago.

a strong suspicion indeed hangs upon Octavian and if, in addition to this, we consider that he was not a man whose moral character was too good to commit such acts, *we cannot help thinking that the suspicion was not without foundation.*"[1]

The Senate in the mean time was not without an uneasy fear, that whoever proved the victor in the struggle might become too strong for the liberties of Rome, and they passed resolutions, in order to cripple his power beforehand. They enacted that no one should hold office for more than a year; and, remembering the case of Pompey, that the important duty of provisioning the city should not be again committed to any single person. A public thanksgiving of fifty days was decreed, and it was resolved that the citizens should immediately resume their togas, in token that the war was at an end.

Rome was just then in a completely widowed state. She had lost both her consuls on the battle-field, and they were men whom, at such a crisis, she could ill afford to spare. There was no one to whom she could look up with confidence as a leader. Antony was the open enemy of the Senate, and they could only half trust Octavian. Marcus Brutus and Cassius were still engaged in a death-struggle for existence in distant provinces, and if either had been recalled and placed at the head of the Republic, it would have made an open breach with Octavian, who would not have tolerated that those whom he considered the chief agents in the murder of his *father*, as Cæsar was always called, should get possession of power. If Cicero had been a man of more nerve and less

[1] Hist. of Rome, V. 107.

scruples, if he had inspired as much confidence as a statesman as he exerted influence as an orator, we can hardly doubt that at this emergency all eyes would have turned to him. He was the foremost man at Rome, and there never was such an opportunity for ambition to seize. If he had had the slightest reputation as a general, he would have been the one on whom the conduct of the war against Antony, if war was still to be, would naturally have devolved. But he was not equal to an emergency like this. The reins of power at such a moment would have been seized by a Cæsar, or a Cromwell, or a Napoleon; but the bare idea of an illegality was abhorrent to his mind. If he was to command, it must be by the authority of the Senate and the will of the people, and neither the one nor the other appear to have thought of him as its leader. Unfortunately we know little of what was then actually passing at Rome. We can only imagine the dismay of the vast metropolis, when it was known that the consuls were dead, and it was still uncertain what course Octavian would take. What would Lepidus, and Pollio, and Plancus do? Would they receive Antony with open arms, or drive him back a fugitive to Italy? From Plancus Cicero had received a letter only two days before the news of the last victory had arrived, and its contents were very satisfactory. He made the strongest professions of patriotism, and, better than this, he showed that his acts corresponded with his promises. He was on his way to Italy to support the consuls against Antony. He told Cicero that he had by forced marches reached the Rhone, and crossed that river on the twenty-sixth

of April, having sent forward a squadron of cavalry a thousand strong, from Vienna (*Vienne*), by a shorter route. Cicero was in raptures when he got this letter. He answered it on the fifth of May, and expressed his joy at the intelligence. Decimus Brutus also wrote to him on the twenty-eighth of April. He bewailed Pansa's death as a public calamity, and told Cicero that he must use all his authority and prudence to prevent the hopes of their enemies from reviving, now that both the consuls were gone. He intended to follow Antony in close pursuit, and allow him no halting-place in Italy. He declared he had no faith whatever in Lepidus; but he was in hopes that Plancus would not fail them, now that Antony was beaten. Cicero must endeavor to keep him steady. He himself intended to occupy the passes of the Alps if Antony crossed them, so that he would be cut off from Italy if he attempted to return.

The man who wrote this was thoroughly in earnest, and there can be no doubt of his loyalty to the Republic. He had defended the authority of the Senate at the risk of his life, and had shown courage and military skill. He was one of the consuls-elect for the following year. No one else seemed to combine so many claims to the chief command in the conduct of the war. The Senate, therefore, conferred it upon him, and the whole force of the Commonwealth in Italy was placed at the disposal of Decimus Brutus, who had been not the least active among the assassins of Cæsar. This fact was perhaps not sufficiently taken into account when the appointment was made, and the Senate hardly appreciated the power which even the shadow of that lofty name

still exercised over the minds of their countrymen, and especially over the veterans who formed the strength of the legions.

Let us revert to Mutina and the day after the battle. The dying Pansa wished to see Brutus, and he hastened to Bononia, the day after the siege was raised, to gratify his wish. But on the way there he was met with the intelligence that the consul had expired, and he immediately retraced his steps towards the city which he had so long and gallantly defended. He had an interview with Octavian, and strongly urged him to cross the Apennines, and cut off Antony's retreat. But Octavian would not stir. He was brooding over schemes which the brave and honest Brutus little suspected. In a letter to Cicero, mentioning the circumstances, he merely says, "If Cæsar had listened to me and crossed the Apennines, I would have driven Antony to such straits that he would have been destroyed by famine more than by the sword. But neither will Cæsar obey me, nor will his army obey Cæsar, — two things which are most unfortunate." In the mean time two precious days were lost. Antony pressed forward his march in the direction of the modern Genoa, and, as he passed through the towns on his route, threw open the prisons, and collected from them and the neighborhood all he could press into his service, so that his force swelled to a considerable number. At a place called Vada (*Vado*), on the Gulf of Genoa, a little seaport, through which the Corniche road passes, he received a welcome reinforcement from Ventidius, who had made a forced march across the mountains by a most difficult route, and he placed his veteran

troops under the command of Antony. But Brutus was then only thirty miles off, having marched rapidly by way of Regium (*Reggio*) and Dertona (*Tortonia*), and, getting intelligence of Antony's movements, he pushed forward instantly five cohorts to Pollentia, which reached the place just an hour before Trebellius, one of Antony's captains, arrived there with his cavalry. This seems to have disconcerted the enemy's plans, who struck into the mountains, to force their way into that part of Gaul where they expected to find Lepidus. They came up with Lepidus's encampment, on the western side of the Alps, on the twenty-ninth of May.[1] Plutarch gives a dismal account of the sufferings they had to endure on their journey. He says that Antony, "who had quitted so much luxury and sumptuous living, made no difficulty now in drinking foul water, and feeding on wild fruits and roots. Nay, it is related that they ate the very bark of trees, and in passing over the Alps lived upon creatures that no one before had ever been willing to touch." Since his flight from Mutina, Antony had never trimmed his beard. His hair hung in disordered masses on his neck, and his looks were wild and haggard. He had good reason for intense anxiety, for his fate depended upon the reception he might meet with from Lepidus. If he

1 Excluding the coast route, there were only two practicable passes leading across the Alps from Italy into Gaul in ancient times. The one was the pass of the Cottian Alps (*Mont Genèvre*), which descends into the valley of the Rhone near Grenoble. A military road was first constructed there by Pompey to furnish a shorter communication between the provinces of Cisalpine and Transalpine Gaul. The other was the pass of the Graian Alps (*the Little St. Bernard*), by which Hannibal marched on Rome. The pass of the Mont Cenis did not become a military road before the middle ages. — See Mommsen, *Gesch. Rom.*, Bk. III. c. 4.

declared against him, he was lost forever. Halting his weary and famished troops, and flinging a dark-colored cloak over his shoulders, he passed within the trenches of Lepidus's camp, and began to address the soldiers. His appeal began to produce an effect, when Lepidus ordered the trumpets to sound, so as to drown his voice. The rest may be told in Plutarch's words. "This raised in the soldiers a greater pity, so that they resolved to confer secretly with him, and dressed Lælius and Claudius in women's clothes, and sent them to see him. They advised him without delay to attack Lepidus's trenches, assuring him that a strong party would receive him, and, if he wished it, would kill Lepidus. Antony, however, had no wish for this, but next morning marched his army to pass over the river that parted the two camps. He was himself the first man that stepped in, and as he went through towards the other bank, he saw Lepidus's soldiers in great numbers reaching out their hands to help him, and beating down the works to make him way. Being entered into the camp, and finding himself absolute master, he nevertheless treated Lepidus with the greatest civility, and gave him the title of 'Father' when he spoke to him, and though he had everything at his own command, he left him the honor of being called the general." According to this statement Lepidus was almost a passive instrument in the hands of his soldiers, and was coerced by them into defection. But we cannot accept it as entirely true. From the correspondence of Plancus with Cicero, we know that Lepidus needed little or no compulsion to act the part of a traitor.

Thus Lepidus was gained, and, if we had only Plutarch as our guide, we should believe that Plancus followed his example without difficulty or delay. He disposes of that general's conduct in a single line, saying, "This fair usage brought soon to Antony Munatius Plancus, who was not far off with a considerable force." But this is a very inaccurate account of what really happened, and shows the necessity of caution in accepting Plutarch's authority. Plancus was a man of a different stamp from Lepidus, and his behavior was very different. When he heard of Antony's flight from Mutina, he wrote to Cicero, and expressed in the strongest terms his hostility to the fugitives. He said that he was in communication with Lepidus, and doing everything in his power to keep him loyal. He called Antony an outcast and a brigand, and said that Lepidus had promised to attack him if he came into his province, and had begged himself to join him. He could thoroughly depend on his own soldiers, and was more afraid of Lepidus's men than Antony's, saying, "If I could only come up first with Antony, he would not stand an hour, so much confidence do I feel in myself, and so utterly do I despise his beaten troops." He added significantly, "But I cannot but fear that there is some internal ulcer which may do mischief before it can be found out and cured." There was, indeed, a very desperate "ulcer," not only in Lepidus's army, but in Lepidus's mind, as Plancus soon ascertained to his cost. When he wrote thus, he was eight days' march from Lepidus. He hastened on to join him, but on the way was met by a courier who brought a letter from him, telling him not to come, as he could

do without him, and directing him to wait for him on the banks of the Isara. Plancus at first did not suspect the truth, but thought that Lepidus was perhaps jealous that he should share with him the glory of defeating Antony, and he determined to press forward. But he got another letter from Laterculus, a brave and honorable officer of Lepidus, who, when he found that his general was bent on treason, stabbed himself to death, in the presence of the whole army. This letter revealed the extent of the mischief. While Lepidus was haranguing his troops, as has been before mentioned, the mutiny broke out, and he had taken no steps to punish the ringleaders, or to put a stop to it. Plancus thought it would be madness to go on and expose his army to the risk of defeat from the superior forces that would be opposed to him. He therefore halted. When he was forty miles distant from Lepidus's camp, on ground where he was protected by a river in his front, he wrote to Cicero, urgently begging that reinforcements might be sent to him as quickly as possible, in which case he hoped still to be able to secure victory and "destroy the villains." There is no reason to doubt that Plancus was, up to this time, thoroughly loyal; and if Lepidus had been as true to his professions as himself, Antony would have been destroyed, and the destiny of the world changed.

The united forces of the two allies now marched against him, and had got within twenty miles of his camp before he heard of their approach. He retreated rapidly and in good order, recrossing the Isara in June, and breaking down the bridge behind him, after he had passed it.

But we must revert to a more important personage than either Lepidus or Plancus, and see what part Octavian was playing in the great drama at this eventful crisis.

His position was, in some respects, like that of General Monk, after the death of Cromwell, when he stood between the Commonwealth and the Crown. On Octavian's decision depended the question whether there should be at Rome a Republic or an Imperial throne. It is perhaps not difficult to understand, however unable we may be to justify, the motives that influenced him at this crisis. He was Cæsar's adopted son — the heir of his name and fortune, and he could not bring himself to act cordially with men, some of whom were the actual murderers of his father. It would be nearer the truth to say that he hated them. His pride was hurt at the conduct of the Senate in appointing Decimus Brutus, one of those murderers, instead of himself, to the supreme command of the army of Italy. His ambition was inflamed with the idea that he might occupy the vacant seat of power, if he could destroy the vital vigor of the constitution, however he might preserve its form. The question was how he might best attain this end. If, while still acting as the officer, and under the authority, of the Senate, he crushed Antony, he would, by the very victory, be imparting strength to republican institutions, and would find it more difficult afterwards to overthrow them. If he joined Antony now, he might share the chief power, even if he could not enjoy it alone.

It was better for him to divide the prize than to lose it altogether. If we may believe Dio, the stupid

folly of the Senate soon furnished him with the pretext of a grievance. It might be good policy not to make him commander-in-chief, but it was madness to alienate his troops from their duty, by breaking faith with them. The promises of pay and rewards, which had been so liberally made, were only partially kept, and invidious distinctions were made in the recipients of the bounty, for the purpose of exciting jealousy and divisions in the ranks. Cicero himself does not allude to any such miserable policy on the part of the Senate, but, in a letter to Cornificius, gives a much more probable reason why their promises had not been kept; namely, the exhausted state of the public treasury. He says that they were scraping money together from all quarters, "in order that what was promised to the soldiers who had behaved so well might be paid," and he did not see how this could be done without a forced contribution or tax (*sine tributo*). But, whatever the cause was, there was discontent, and Octavian took advantage of it, to make the Senate unpopular with the army; and, according to Dio, entered himself into secret communications with Antony. He also gained over, by conciliatory measures, the scattered bodies of Antony's troops, which had fled from the camp during the action. It was a great object with him to be elected consul, to fill one of the two vacancies created by the deaths of Hirtius and Pansa: and this, notwithstanding that he had hardly attained half the age required by law for that office. We are told by Dio, Appian, and Plutarch, that he tried to tempt Cicero to support him, by proposing that he should be his colleague, and, according to

them, the veteran statesman entered readily into the plan. If so, it reflected no discredit on either his sagacity or his patriotism. For it certainly was the most prudent course to conciliate Octavian; and, if he was to be elevated to the highest executive office in the State, it was wise and politic to diminish, as much as possible, the chance of his abusing his power. And this could hardly be done more effectually than by associating with him a man like Cicero, the determined enemy of anything like domination, and whose very name was now the watchword of the Constitution. But I so entirely mistrust the authority of these writers for any important fact not corroborated by contemporary testimony, that I consider that we are at liberty to reject the whole story.

Octavian's efforts to persuade the Senate to consent to his election proved for some time abortive, and he took a more efficacious method of overcoming the opposition. He first got his soldiers to swear that they would not fight against troops that had served with Cæsar, and then sent a deputation of four hundred of his centurions to Rome, as petitioners on behalf of the army, to claim the donation that had been promised to the troops, and to ask that the consulship might be conferred on him.

The Senate had some time before sent to Africa for fresh legions, and when they saw the turn things were taking, and that they had only the scanty army of Decimus Brutus on which they could confidently rely for the defence of the Republic against the rising tide of treason that seemed likely to engulf it, they dispatched couriers to Marcus Brutus and Cassius, urging them to hasten over to Italy with the

forces under their command. The troops came from Africa, and their arrival emboldened the Senate to continue their resistance to Octavian's demands. But their resolution was soon shaken when they saw his centurions in Rome, and heard them knocking at the door of the Senate-house. This is no mere figure of speech: it falls, indeed, short of the reality. These rough soldiers came into the chamber where the senators were sitting, although they had the grace to leave their arms outside. They demanded the consulship for Octavian, and when the Senate still hesitated, one of them, named Cornelius, went out, and, seizing his sword, exclaimed, "If you will not give it to him, this will!" and we are told that Cicero replied, "If you canvass in this fashion, he will certainly get it."[1] This was surely a very inoffensive remark, and yet Dio says that it ultimately cost him his life. One would think that he had never read nor heard of the Philippics. We know, on better authority, that before this a bitter joke of his, which was much more likely to give mortal offence, had reached the ears of Octavian. Unfortunately it is impossible to translate it, for it is, in fact, a pun. In a letter to him, dated Eporedia (now Jurea in Piedmont), on the twenty-fifth of May, Decimus Brutus mentioned that Segulius had told him that he and Octavian had been talking together a good deal about Cicero, and that Octavian had complained of his saying, *laudandum adolescentem, ornandum, tollendum*, observing that he would take care not to

[1] Ἂν οὕτως παρακαλῆτε, λήψεται αὐτήν. — Dio Cass. XLVI. 43. Abeken translates it, *Wenn dies bitten heisst, dann soll er es haben*, —"When this is called canvassing, then he shall get it," which has certainly more point and sting. But I do not think the words bear that meaning.

get the kind of "advancement" that Cicero intended for him.[1] Brutus added that he believed that Labeo himself had first told Octavian the story. This made Cicero very angry, and in his reply he used strong expressions. "May the gods," he said, "confound that Segulius for the greatest rascal that is, or was, or ever will be!" Middleton takes some pains to make us believe that he never uttered the words, and that they were an invention of his enemies "to instil a jealousy into Octavius, or to give him a handle at least for breaking with Cicero," for he thinks it "incredible that a man of his prudence could ever say them." But if so, it is remarkable that in his answer to Brutus he does not deny them nor charge Segulius with calumny. He is angry with him, not for inventing but for repeating the story.

When the army heard that the Senate still refused to let Octavian stand for the consulship, it demanded to be led to Rome; and he immediately put his troops in motion to march on the capital. They were in formidable strength — eight legions, besides cavalry and auxiliaries; and, except the soldiers that had come from Africa, who were comparatively few in number, there was nothing to oppose them.

In the mean time what was happening beyond the Alps? Decimus Brutus, whose army had been increased from seven to ten legions, but consisting

1 "Se non commissurum ut tolli possit." — *Ad Div.* XI. 20. See Vell. Pat. II. 62; Suet. *in Aug.* 12. The sting of the words lies of course in the double meaning of *tollere*, which is either "to raise up, elevate," or "to take away, destroy." If hanging had been the mode of public execution at Rome, the passage might have been translated thus: — "Octavian complained of your saying, 'I think that the young man should be praised honored, and *elevated*;' and remarked that he would take care not to have such an *elevation* as you kindly wished for him."

chiefly of young and raw recruits, had crossed the mountains and joined Plancus. Asinius Pollio, notwithstanding all his professions of devotion to the Senate, went over to the enemy,[1] and Antony was now at the head of seventeen legions. Plancus saw that victory would be on the side of the *gros bataillons*, and, careless of honor, like the rest, he led his troops to Antony's camp, and made common cause with the three generals. The position of Decimus had become critical in the extreme. He stood alone —

> Amongst the faithless faithful only he:

but with inexperienced troops, badly equipped, to oppose the veteran legions of Cæsar, who greatly outnumbered him. He would have died a more glorious death if he had struck the last blow for his country's liberty, and fallen on the battle-field. But we have no right to blame the course he took. It was impossible for him to face such tremendous odds with any chance of success, and his only hope of safety was in a rapid retreat. But if he recrossed the Alps and descended into Italy, he feared that he would be intercepted by the superior forces of Octavian, whose understanding with Antony he could no

[1] There is a long and interesting letter from Pollio to Cicero (*Ad Div.* X. 33), written at the end of May, in which he talks of the necessity of all rushing to extinguish the conflagration and save the empire from destruction. He complains that, owing to the length and difficulties of the journey, news was forty days old before it reached him. In another letter, a few days later, he makes similar professions of fidelity. But it relates chiefly to the conduct of the quæstor Balbus, who had gone off to Africa after embezzling money and being guilty of many acts of enormity. Amongst others he had ordered a wretched gladiator to be half-buried in the ground and then burnt alive as far as the flames could get at his body. Balbus enjoyed this as an after-dinner amusement, and walked about with his hands behind him mocking the cries and sufferings of the unhappy man.

longer doubt. His object was, if possible, to effect a junction with Marcus Brutus in Macedonia by a circuitous route, and he led his troops towards the Rhine, intending to cross the river and force his way through the passes of the Rhætian Alps. His line of march lay, in fact, through the modern Switzerland. Although it is anticipating the order of time, it may be as well to relate here the catastrophe that overtook him. He found that he could no longer trust his soldiers. Some of them began to desert his standard; and at last he left his army, attended by a body of Gallic cavalry, to make his way, as he best could, across the Rhine. But these troops seem to have wavered. At all events he dismissed them, having first distributed amongst them all the gold he possessed. Three hundred horsemen still clung to their leader, and with these he continued his weary march, until all but ten deserted him. He then changed his dress, and, disguising himself as a Gaul, reached Aquileia, a town at the head of the Adriatic. Here he was discovered and seized by a native chieftain, whose name, Camillus, shows that he had some connection with Rome. Brutus had in former times been his benefactor, and he requited the service, whatever it may have been, by hastening to Antony, and telling him of the prize within his grasp. It is hardly necessary to say that Antony insisted on his death. He told Camillus to murder his captive; and his head was struck off, the first ghastly trophy of the new alliance.

As Octavian approached the walls of Rome, the affrighted Senate sought to retrace their steps and propitiate their future master. They sent an em

bassy to him, offering to make him consul. For a moment their hopes revived, when they heard of the landing of two more legions from Africa. But these actually deserted on their march, and hastened to join the advancing army. Soon afterwards it halted outside the gates, and Octavian entered the city as a conqueror. The form of an election was rapidly gone through, and in the twenty-first year of his age he was declared a Roman consul, with Q. Pedius as his colleague. This happened on the twenty-second of September.

CHAPTER XXV.

THE PROSCRIPTION AND DEATH OF CICERO.—HIS CHARACTER.

ÆT. 64. B. C. 43.

THERE is good reason to believe that Cicero did not stay in Rome to be an eye-witness of a spectacle which was the downfall of all his hopes, and sealed the fate of the Republic.[1]

Accompanied by his brother Quintus, — for the greatness of a common misfortune had completely reconciled them, and restored all their old affection for each other, — he retired to his villa at Tusculum, to wait there the course of events. There is no doubt that he might have easily escaped to Macedonia, if he could have summoned resolution to abandon forever Italy and Rome. But with his usual indecision he hesitated until it was too late, and the bloody ministers of Antony's vengeance overtook him. Bitter, indeed, must have been his thoughts as he stood on the lovely hill of Tusculum, and gazed across the Campagna upon the city which would soon be occupied by his deadliest foes. Was this then the result of all his untiring efforts and splendid elo-

1 The materials for composing a narrative of the last four or five months of Cicero's life are unfortunately scanty, and the authorities do not agree. They are Plutarch, *Cic.* 47, 48; Appian, IV. 4; Dio Cassius, XLVII. 10 11; Livy, *Fragm.*; Seneca *Suasor*, 7; Valerius Maximus, V. 5.

quence during the last six months?[1] Was it for this that he had lavished praises on Octavian in the Senate, and pledged his word that he might be trusted as a faithful servant of the State? He had declared that no honors that could be conferred upon him were more than he deserved, and now he had trampled on both Law and Constitution, and made his sword the arbiter of the destinies of Rome. He must have keenly felt the desertion of Pollio and Plancus Their conduct showed that he could put faith in no one. He and Quintus must go forth as fugitives and exiles, leaving their native land a prey to tyrants, who, whether they quarrelled or agreed, would alike work the ruin of the Republic. It was, in fact, already ruined, for the trembling Senate was the slave of the strongest, and existed only to register his will. But, in the midst of all his cruel disappointment, there was one consolation for Cicero. He might have been mistaken in his estimate of men, and failed to read aright the signs of the times, but his conscience was without reproach. He had done all that mortal could do to preserve the liberties of Rome. In the midst of a faint-hearted Senate and fickle populace, he had held aloft, with his single arm, the standard of freedom, sent out armies to combat the enemies of his country, and, by his example, cheered, encouraged, and animated all. It was no fault of his that treason had eaten into the heart's-core of the Commonwealth, and that men were now willing to be slaves.

[1] Speaking at an earlier period of the disappointment felt at the escape of Antony after the battle of Mutina he had said, "Meæque illæ vehementes contentiones tamquam *σκιαμαχίαι* esse videntur." — *Ad Div.* XI. 14. "Shadow fights" indeed they were for all the good they did ultimately to the Republic.

One of Octavian's first acts was to have his own adoption, as Cæsar's son, confirmed by a law, passed by the people in their *Curiæ*, in a proper form. Then only was he entitled legally to assume the proud names of Caius Julius Cæsar Octavianus, although for upwards of a year he had been called Cæsar by his friends. His other measures were of a more ominous kind, and foreboded the change of policy which he was soon openly to avow. The resolution of the Senate, which had declared Dolabella a public enemy, was repealed, and a law was passed on the proposal of his colleague, Pedius (hence known as the *Lex Pedia*), by which the murderers of Cæsar were summoned to take their trials, and in default of appearance were condemned to death *par contumace*. This was tantamount to proclaiming open war against the only three generals who were still in arms for the Republic, Decimus and Marcus Brutus, and Cassius — all of whom had imbrued their hands in Cæsar's blood.

Octavian left Rome at the head of his legions, pretending that his object was to march against Antony and Lepidus, and carry on the war. A parallel might perhaps be drawn between him and Ney, who, when Napoleon landed from Elba, left Paris to intercept him and bring him back, as he declared, like a wild beast in a cage. But there was this important difference between them. Ney was no doubt sincere when he set out, and intended to do his duty, but was unable to resist the fascination of the sight of his old commander and companions in arms, and thus became a traitor almost in spite of himself. But Octavian marched from Rome with

settled treachery in his heart, and the only question with him was, how he could accomplish his object with the best advantage to himself. If there could have been a lingering doubt in Rome as to his intention, it must have been dissipated when his colleague, Pedius, who remained behind, proposed and carried a law, taking off from Antony and Lepidus the ban by which they had both been declared public enemies.

These two generals, after the death of Decimus Brutus and dispersion of his army, part of which, however, had gone over to their side, recrossed the Alps, and, descending into the great plain of Lombardy, marched in the direction of Bononia, keeping the Apennines on their right. In the mean time overtures were made by Octavian to Antony, and Lepidus exerted himself to reconcile the two competitors for power. We do not know the details of the negotiation, but the result was that a meeting was agreed upon, and Octavian led his troops to Bononia, which was already occupied by the legions of Antony. The three leaders met on the twenty-seventh of November, on a little island of the Rhenus, now the Reno, a river, or rather mountain-torrent, which rises in the Apennines, and flows close to Bologna. Here the second Triumvirate was formed, and the world was divided as the spoil.

This might be all fair, according to the laws of war. The conquerors had a right to apportion what their swords had won. But this did not satisfy their minds. Each was to surrender victims, to satiate the vengeance of the other two, and one of the basest compacts was made that was ever entered into by

men. The terms were that Octavian should give up to death Cicero; Lepidus, his own brother Paulus; and Antony, his uncle Lucius Cæsar. Thus, says Plutarch, they let their anger and fury take from them the sense of humanity, and demonstrated that no beast is more savage than man, when possessed with power answerable to his rage.

Cicero and his brother were still at Tusculum when they heard of the proscription. Not a moment was to be lost, and they must fly for their lives. They hesitated whether they should hasten to join Sextus Pompeius in Sicily, or Cassius in Syria, or Brutus in Macedonia. They decided on going to Brutus, and proceeded in litters to Astura, on the coast, intending there to embark for Macedonia. We are told that on the journey they often halted to embrace each other, and mingle their tears together. This to modern notions might argue an unmanly weakness, but we must not judge them so. The ancients — and Cicero and his brother were not only ancients but Italians — put far less restraint upon their feelings than ourselves, and with them passionate grief found vent in weeping without any reproach to their courage or fortitude. I do not believe that Cicero was afraid to die, but calamity had overwhelmed him, and he wept, as he had often done before in moments of sorrow and despair. An unforeseen circumstance compelled the brothers to separate. In the haste of their departure they had forgotten to bring with them the means of support on their journey. It was determined that Quintus should return to Rome, and procure the necessary supplies. No doubt his intention was to come back and overtake

his brother, but it was ordered otherwise. After an affectionate embrace they parted, never to meet again. Cicero continued his route, and Quintus turned towards the city. It seems that his son had been left behind, and was still there when his father arrived. Quintus concealed himself in the same house with him, but by some means or other the bloodhounds of Antony got scent of his lurking-place. They came but could not find him; and, seizing young Quintus, they tortured him, to make him betray his father. He nobly refused, but, as we may infer from one of the accounts, the extremity of pain forced from him cries which his father heard. Unable to endure the thought of his son's agony, he came forth from his hiding-place, and delivered himself up to the assassins. A heart-rending scene followed. Each prayed that he might die before the other, and, to end the contest, the murderers killed them both at the same moment.

Cicero reached Astura in safety, and going on board a vessel, got as far as the promontory of Circeii (*Capo Circello*). There was nothing now to prevent his escape, and the head of the ship was turned to the open sea, to bear him away from his pursuers, when a strange fit of irresolution seized him, and he insisted on being put on shore again. A sort of fascination, which he was unable to resist, seems to have attracted him to the fatal coast. In the words of Ezekiel, "He heard the sound of the trumpet and took not warning: his blood shall be upon him.' He landed, and by an unconscious impulse, took, on foot, the road to Rome, as if he were courting his own destruction. But he soon retraced his steps,

and spent the night at Circeii. He could not sleep, and as he tossed restlessly on his couch, the idea seized him that he would go to Rome, and, entering the house of Octavian, seat himself beside the domestic altar, and there plunge a dagger into his breast, to draw down the vengeance of Heaven upon his betrayer. But with the morning came wiser counsels. His attendant slaves — whose devotion we can readily understand, for there never was a kinder master — besought him once more to embark, and he yielded to their prayers. The vessel again set sail, but the wind was contrary, and the sea was rough. He was sick and ill, and when he reached the harbor of Cajeta (*Gaëta*), near which his own Formian villa lay, he would go no farther, having made up his mind to die.[1] He was implored to continue the voyage, but in vain. "Let me die," he exclaimed, "in my country, which I have saved so often!" The day was the seventh of December, when, for the last time, he set foot on Italian ground. He reached his villa, and lay down tranquilly to rest. But his slaves got intelligence that his pursuers were close upon his track.[2] With affectionate zeal they forced him to get into a litter, and bore him along a by-path through the thick, but then leafless, woods towards the shore. The band of murderers had already reached the villa. They were headed by a

1 Appian attributes his landing to seasickness — *οὐκ ἔφερε τὴν ἀηδίαν τοῦ ἐλύδωνος.* — *De Bell. Civ.* IV.

2 According to Appian, crows awoke him from his sleep by pulling away the clothes that covered his face. One tradition represents him as quietly reading the Medea of Euripides when the murderers arrived — not very likely at such a moment of agonizing terror. According to another, he destroyed himself by poison. — Euseb. *Chron.* p. 183, quoted by Drumann

centurion, named Herennius, and the military tribune Popilius Lænas. Cicero had once successfully defended Lænas in a criminal trial against the charge of parricide, and obtained his acquittal. But gratitude was of small account in comparison of the reward that he would gain by the death of his benefactor. Some miscreant pointed out the path the fugitive had taken, and the assassins hurried through the wood, some of them by a shorter road, so as to meet him as he came out. When he heard their footsteps approaching, he knew that his hour was come. He ordered his attendants to set down the litter, and forbade them to defend him. He drew back the curtain, and stretching forward his head, called out, addressing either Herennius or Popilius, "Here, veteran! if you think it right — strike!" According to Plutarch, "stroking his chin, as he used to do, with his left hand, he looked steadfastly upon his murderers, his person covered with dust, his beard and hair untrimmed, and his face worn with his troubles." Several of the assassins were moved to pity at the sight of his gray hairs and ashy countenance, and they covered their faces with their hands. But Herennius stepped forward, and, with repeated blows of his sword, severed his head from his neck, and it rolled in the dust.[1]

[1] It is curious and instructive to notice the discrepancies in the different narratives that have come down to us of the last moments of Cicero. Plutarch says that the person who betrayed the path he had taken was a freedman of his brother Quintus, named Philologus; Appian, that he was a shoemaker and client of Clodius. Plutarch says that he stretched his neck out of the litter, and Herennius cut off his head, "and by Antony's command his hands also, by which his Philippics were written." Appian, Dion Cassius, Valerius Maximus, and Seneca all say that it was Popilius Lænas who struck the blow. Appian's account is that Lænas pulled his

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Thus fell Cicero — the noblest victim of the bloody proscription of the Triumvirate. He was exactly sixty-three years, eleven months, and five days old, when he died.

The hands were cut off, and the murderers carried them with the head to Antony. He was seated on a tribunal, administering justice in the Forum, when they made their way through the crowd with the ghastly relics in their hands. His eyes sparkled with joy, and he not only paid the promised reward, but added to it an enormous sum. What more precious gift could he present to his wife Fulvia than the head of their deadliest enemy? She took it, and placing it on her lap, addressed it as if it were alive, in words of bitter insult. She dragged out the tongue, whose sarcasms she had so often felt, and with feminine rage pierced it with her bodkin. It was then taken and nailed to the Rostra, together with the hands, to moulder there in mockery of the triumphs of his eloquence, of which that spot had so often been the scene. A sadder sight was never gazed upon in Rome.[1]

It is a saying of Bacon that great men have no continuance; and this rule — if it be a rule — was

head out of the litter and killed him with three blows, sawing rather than cutting off the head, owing to awkwardness. Dio says that Lænas, to secure to himself the credit of the murder, kept the skull close to a little garlanded image of himself, with an inscription upon it mentioning the fact.

1 There was a story current in the sixteenth century that the tomb of Cicero had been discovered in 1544 in digging the foundations of a monastery in the island of Zante, and it was supposed that his remains had been carried there by one of his faithful slaves, and secretly buried. Desiderius Lignamineus of Padua declares, in a narrative which he drew up in 1547, that he had seen the tombstone and copied the inscription into his note-book. His theory was that the tomb was erected by Cicero's son. But the whole account is discredited.

exemplified in the case of Cicero. His line became rapidly extinct. His only son — the child of so many hopes — gave him, in early life, some uneasiness, owing to the irregularities of youth. There is, however, a very interesting letter extant, written by him when he was studying at Athens, to his father's intelligent freedman, Tiro, which does credit to his heart and head. The purport of it is that he ha sown his wild oats, and intends to reform. After his father's death he is said to have taken to drinking, — perhaps to drown sorrow, — but certainly not for the absurd reason assigned by Pliny, probably in jest, because he wished to deprive Antony of the "glory" of being the hardest drinker in the Roman world. He followed Marcus Brutus to Macedonia, where he acquitted himself as a brave and skilful officer, and fought at Philippi. He afterwards joined the standard of Pompey's son, and, when peace was concluded with the Triumvirate, returned to Rome, where honors were lavished upon him by Augustus, perhaps out of remorse for the part he himself had taken as an accomplice in the murder of his father.[1] He was made a member of the College of Augurs, a commissioner of the Mint, and at last consul, with Augustus as his colleague.[2] It was in that capacity that the public letters were addressed to him by Augustus announcing his victory at Actium and con-

[1] Plutarch tells us that Augustus once found his grandson with a book in his hand, which the boy tried to hide under his robe. The emperor took it from him, and finding that it was a work of Cicero returned it to him, saying, "My child, this was a man of great intellect (λόγιος) and a lover of his country."

[2] Seneca (*De Benefic.* IV. 30) asks, "Ciceronem quæ res consulem fecit nisi pater?" Upon which Lipsius, quoted by Middleton, most unjustly remarks, "Nam virtutes omnes aberant; stupor et vitia aderant."

quest of Egypt, and in that capacity also that to him was intrusted the execution of the decree for destroying the statues and monuments of Antony, the design being that his very name should perish. He became afterwards proconsul of Asia Minor, or, according to Appian, of Syria, and his name thenceforward disappears from the surface of history. He appears to have died unmarried, or at all events he left no issue.

The reader of the foregoing pages will, I hope, be able to make a just estimate of the character of Cicero for himself. We have seen it in its strength and in its weakness, tried by the two extremes of prosperity and adversity. And it is better that each should form his own opinion from the materials which a fair biography affords, than trust to the opinions of others, on a question where so much depends upon the idiosyncrasy of the writer, and the point of view from which he regards the subject of his criticism. Few men have been more praised, and few more vilified, than Cicero. In his lifetime, and after his death, he had enemies who gave currency to the most atrocious calumnies respecting him. But these have died the natural death of a lie, and it would be an insult to his memory to notice hem now. Since the revival of letters, and until a very recent period, his name has been worshipped with a kind of idolatry; but at last there has come a reaction, and he is by some writers as unduly depreciated as he was before unduly extolled. The two extremes of opinion may be represented by Middleton and Niebuhr on the one hand, and by Melmoth,

Drumann, and Mommsen on the other. Middleton goes so far in his admiration that De Quincey declares his object was, out of hatred to Christianity, to paint, in the person of Cicero, a pure Pagan model of scrupulous morality; and to show that in most difficult times he acted with a self-restraint and a considerate integrity to which Christian ethics could have added no element of value. Niebuhr says, "I love Cicero as if I had known him, and I judge of him as I would judge of a near relation who had committed a folly." But Drumann has painted the portrait of Cicero *en noir* throughout. In his exhaustive work he makes a sustained and elaborate attack upon his character, and hardly gives him credit for a single pure or disinterested motive in the whole course of his life. He catches at every tale of scandal afloat respecting him, except those which charge him with licentiousness, of which even Drumann absolutely acquits him; and whenever there is a possibility of imputing something wrong, he imputes it to him in a spirit of systematic misrepresentation. He never gives him the benefit of a doubt, and his criticism is often so unfair, that it is difficult in reading it to avoid feelings of anger and disgust. His erudition is immense, and I willingly acknowledge the honesty with which he affords the reader the means of verifying his assertions, by the copious references that are found at the bottom of every page of his work. But it would be easy from them to show how prejudiced and unjust is the view he often takes.

As to Mommsen, he treats Cicero as if he were positively beneath his notice. When he speaks of

him he affects a tone of supreme contempt, and if all we knew of him depended upon what the historian has told us, we should regard him as nothing more than a weak-minded sophist and rhetorician. Fixing his eyes on the infirmity of his political conduct, in which there is much to blame and something to pity, this German writer thinks himself entitled to sneer at him, and is blind even to the splendor of his intellectual gifts. A far more just and trustworthy estimate of Cicero will be found in the admirable work of Abeken.[1] He holds the balance even, and in his censure and his praise is always a fair and discriminating judge.

It may be said with truth of Cicero that he was weak, timid, and irresolute,[2] but it is not the whole truth. These defects were counterbalanced, and in some respects redeemed by the display, at critical periods of his life, of the very opposite qualities. He was as firm and brave as a man need be in the contest with Catiline, and the final struggle with Antony. It would not be fair to judge of Napoleon solely by his demeanor at St. Helena, and it is not fair to judge of Cicero solely by his agony during his exile, and his conduct during the Civil War. In the first he was unmanned by the magnitude of his misfortunes, and in the second unnerved by the difficulty of determining which side he *ought* to follow. It is utterly untrue to assert, as Drumann asserts, that

1 Cicero in Seinen Briefen.

2 His tendency to *trim* between opposite parties once exposed him to a stinging sarcasm, as recorded by Macrobius (*Saturn.* II. 3). He said to Laberius, a Roman knight, who was looking for a seat in the theatre, "I would receive you here if I had room:" on which Laberius replied, "I am surprised you have not room, as you usually sit on two stools."

selfishness and disregard for right and truth were prominent features of his mind.[1] He was egotistical, but not selfish; and his anxiety to do what was right was one chief cause of his irresolution.

He would have been a more consistent if he had been a less scrupulous man. His lot was cast in times which tried men's souls to the uttermost, and when boldness was as much required in a statesman as virtue. His moral instinct was too strong to allow him to resort to means of which his conscience disapproved. And if he knew he had acted wrongly, he instantly felt all the agony of remorse. Although he lived in the deep shadows of the night which preceded the dawn of Christianity, his standard of morality was as high as it was perhaps possible to elevate it by the mere light of Nature. And to fall below that standard made him feel dissatisfied with himself and ashamed. But his constant aim was to do right; and although he sometimes deceived himself and made great mistakes, they were the errors of his judgment rather than of his heart. Let those who, like De Quincey, Mommsen, and others, speak so disparagingly of Cicero, and are so lavish in praise of Cæsar, recollect that Cæsar was never troubled by a conscience. His end was power, and to gain it he had no scruple as to the means. Conspiracy, corruption, and civil war were the instruments of his guilty ambition, and his private life was darkened by vices of the worst possible kind. Dazzled by the lustre which surrounds his name, men are apt to forget all this, and to confound right and wrong in their

[1] Ueberall erkennt man in seinem Character Erregbarkeit, Selbstsucht, Feigheit und Mangel an Achtung vor Recht und Wahrheit, als die hervorstechenden Eigenschaften. — *Gesch. Roms.*

hero-worship of his commanding genius, his iron will, and his victorious success.

The chief fault of Cicero's moral character was a want of sincerity. In a different sense of the words from that expressed by St. Paul, he wished to become all things to all men, if by any means he might win some. His private correspondence and his public speeches were often in direct contradiction with each other as to the opinions he expressed of his contemporaries; and he lavished compliments, in the Senate and the Forum, upon men whose conduct he disliked, and whose characters he abhorred.

His foible was vanity, and he has paid dearly for it, for it has made him many enemies. A vain man is generally a weak man, and there was enough of weakness in his character to cause the sarcasms of ill-nature to appear the language of truth. Men will forgive worse faults more readily, for they feel it as a kind of injury to themselves, and they dislike to have their praise exacted and to be laid, as it were, under tribute. He was never tired of speaking of himself, and he blew his own trumpet with a blast which wearied the ears of his countrymen. But it was after all a harmless failing, and would have been sufficiently punished with laughter, instead of being treated as an offence to be retaliated by slander.

As a Philosopher, Cicero had no pretensions to originality. His object was to recommend the study of Greek philosophy to the attention of his countrymen, who were profoundly ignorant of it; and no writer since Plato has ever succeeded in making it more attractive. It was said of Socrates, that he drew Philosophy from the clouds, and made her

walk upon the earth; and this is equally true of Cicero. She spoke literally and metaphorically in an almost unknown language to the Roman mind, until he appeared.[1] He had to coin, in many instances, the very words by which the ideas were to be expressed, for the unmetaphysical character of the Roman intellect had never hitherto conceived the existence of the problems which had so long exercised the subtle speculations of the Greeks. Though not a philosopher like Pythagoras, Plato, Zeno, and Epicurus, he had eminently a philosophical mind as a candid and diligent inquirer after Truth. His capacious intellect embraced the whole field of inquiry, and his judgment refused to trammel itself in the chains of any particular sect. The school to which he most attached himself was the school of the New Academy, of which Arcesilas (born B. C. 320) was the reputed founder. But it was precisely for the reason that this school was the most liberal and least prejudiced of all. Its distinguishing feature was an enlightened scepticism. It did not dogmatize so much as doubt. Where other sects peremptorily determined what was True and what was False, the New Academy was modestly content with Probability. Cicero was too sagacious and too liberal not to see the weak points of other systems. He laughed at the absurd paradoxes of the Stoics, and his moral sense revolted at the selfish and God-denying doctrines of the Epicureans. But he did not reject all because he could not approve of all, for he agreed on many points with both. Knowing the

[1] Philosophia jacuit usque ad hanc ætatem, ne cullum habuit lumen literarum Latinarum. — *Tusc. Disp.* I. 3.

character of his mind it would have been easy to predict, even without knowing the fact, that he would incline to the school of the New Academy. It was a doctrine congenial to the spirit of an irresolute man, to hold that doubt is the proper state in which to keep the mind suspended, when dealing with questions of speculative truth. Moreover, the habit of mind of an advocate is indisposed to dogmatic assertion. He is constantly employed in considering what can be said by an opponent, and he is more concerned that the answer he is prepared to make shall be plausible than that it shall be true. But no man can accustom himself to weigh objections without learning to doubt whether his own view is infallibly right. The conflict of argument has taught him that on almost every question much may be said on both sides, and the result is, or ought to be, a spirit of fairness and candor, which is equally opposed to bigotry in religion, and dogmatism in philosophy. For the same reason, I believe, it was, and not from a servile imitation of Plato, that Cicero cast most of his philosophical treatises into the form of dialogues, by which he was enabled to bring out the strong and weak points of opposing systems, without committing himself to any decisive and peremptory opinion.[1] But, although on speculative questions, such as the Nature of Things, the Supreme Good, and similar subjects, he was more the expounder of the opinions of others than the asserter of his own, he was a firm believer in the great cardi-

[1] Id (genus disputandi) potissimum consecuti sumus quo Socratem asum arbitrabamur, ut nostram ipsi sententiam tegeremus, errore alios levaremus et in omni disputatione quid esset simillimum veri quæreremus — *Tusc. Disp.* V. 4.

nal truths of a Providence and a Future State. And he was also clear and decided in his views of moral obligation. In his lofty and unhesitating choice of Right in preference to Expediency, as the rule of conduct, he is a safer guide than Paley; and his work "De Officiis" is the best practical treatise on the Whole Duty of Man which Pagan antiquity affords. The Ethics of Aristotle may be compared to the dissection of an anatomist, but Cicero has given life to the figure of Virtue, and clothed it in warm flesh and blood.

As an Orator his faults are coarseness in invective, exaggeration in matter, and prolixity in style. His habit of exaggeration is such that it is often difficult to ascertain the limits within which the truth really lies; but, as a general rule, to be on the safe side we must deduct a large percentage from his statements. I believe that the cause of this was not any purpose or desire to mislead, but the vehement and excitable temperament of the man. As he felt warmly, so he expressed himself strongly. Many of his sentences are intolerably long, and he dwells upon a topic with an exhaustive fulness which leaves nothing to the imagination. The pure gold of his eloquence is beaten out too thin, and what is gained in surface is lost in solidity and depth. The argument often disappears in a cloud of words: the course of the stream is lost in an inundation. This is one great difference between him and Demosthenes. The declamation of the Greek orator, like that of Brougham, is always argumentative. Amidst the grandeur of his eloquence, his speeches are practical and business-like, and he never loses sight of the aim and end he has

in view. Perhaps no orator has ever kept more closely to the point. And it cannot, I think, be doubted, that for this reason, amongst others, Demosthenes would have been listened to with far more attention than Cicero in the English House of Commons. Indeed, I am not sure that the speeches of the Roman would not there have been received, like the speeches of Burke, with unmistakable signs of impatience. But, on the other hand, we must remember that Cicero was an Italian speaking to Italians; and as the end of all oratory is to persuade, the true test of its excellence is the impression it produced upon the audience to which it was addressed. We know the magical effect it had upon the people and the Senate. They took delight in the flowing periods, the ever-changing forms of words, — which disguised the repetition of the idea, as bits of colored glass are glorified by the kaleidoscope, — and the passionate rhetoric which took captive their imagination, and carried away their feelings by storm. Criticize the eloquence of Cicero as we will, it is impossible to deny that no greater master of the music of speech has ever yet appeared amongst mankind.[1]

But, however opinions may differ as to his oratory, some thinking him too florid and diffuse, and, to use a homely term, long-winded, there can be but one opinion of his merits as a writer. The benefit he conferred upon his own language is incalculable, and the way to measure it is to compare the Latinity of

1 Contrary to what we might have expected, his delivery was slow and measured, — at all events in his later years, — and Seneca compares it to the action of a slow-stepping horse. "Cicero quoque noster, a quo Romana eloquentia exstitit, gradarius fuit." — *Epist.* 40.

the authors who preceded him, of whose works we possess a few fragments, or even his contemporaries, with the Latinity of Cicero. He created a style which has been the model and the despair of succeeding writers. It is so pure and perfect, with such modulation of sentences, and wealth and harmony of diction, so free from roughness or obscurity, that, in proportion as the reader is familiar with it, he acquires a disrelish for the style of any other Latin author. Livy, in my opinion, comes next in excellence, but he wants the fulness, and the grace, and the charm of Cicero.

He was one of the most forgiving of men, and it was in perfect sincerity that he uttered the noble sentiment that he was not ashamed to confess that his enmities were mortal, and his friendships eternal. He was, more than almost any other of those stern old Romans, what may be called a family man. He doted on his children, and, until his unhappy divorce, was loving and affectionate to his wife. To his dependants he was a kind-hearted master, — witness his sorrow for the death of Sositheus, and his warm regard for the accomplished Tiro.

Of his personal appearance and habits we know little more than what Plutarch has told us, and what we can glean from different passages in his letters and works. He was thin and meagre in frame, with a long neck, and had such a weakness of digestion that he accustomed himself to a spare diet, which he generally took late in the evening. But he was a diner-out, and liked merriment at table, — a man full of light pleasantry and wit, for he was naturally of a joyous temperament, until public and private sorrow

cast a shadow over his existence. Niebuhr says, "The predominant and most brilliant faculty of his mind was his wit. In what the French call *esprit* — light, unexpected, and inexhaustible wit — he is not excelled by any among the ancients." But it had a flavor of bitterness in it at times, and left a sting behind which was neither forgotten nor forgiven. He would have been a match for Talleyrand at a repartee. It was only in the later years of his life that he indulged in a *siesta* after meals. He was fond of the bath, and had his body well rubbed and oiled. He also took a sufficient quantity of exercise daily, and by these means, notwithstanding a naturally weak constitution, he enjoyed upon the whole excellent health. We find him complaining of sickness not more than two or three times in the course of his long and numerous correspondence; but as he grew older he was troubled by a weakness of the eyes, which was caused most probably by excessive study. There is no authentic bust of Cicero.[1] The Emperor Alexander Severus possessed one, but it is not known to be in existence now. His face was handsome, and he retained his good looks until his death.[2] That it was full of beaming intellect we require no authority to feel assured.

His activity of mind and industry were astonishing. It has been computed that we possess little more than a tenth part of what he wrote; and this is certainly true, if we include his lost speeches, most of which were carefully prepared and written out

1 The head of Cicero, facing the title-page of Vol. I. of this work, is taken from a bronze medal struck by the town of Magnesia in Lydia.

2 Et quidem facies decora ad senectutem, prosperaque permansit valetudo. — Asin. Pollio apud Senec. *Suasor.* 6.

beforehand.[1] We have seen how frequently he was employed in composition before the sun had risen, and few men could with less justice say of themselves like Titus, *Diem perdidi !*

To appreciate his full worth, let us consider what a blank there would have been in the annals of Rome and the history of the world, if Cicero had never ived. He illumines the darkness of the past with the light of his glorious intellect, like some lofty beacon that sheds its rays over the waste of waters. And the more we think of all we owe him — of all he did, and wrote, and spoke — the more shall we be disposed to agree with the prophetic judgment of the historian who says,[2] — "Vivit vivetque per omnem sæculorum memoriam; . . . . . citiusque e mundo genus hominum quam Ciceronis gloria e memoriâ hominum unquam cedet."

[1] For an excellent account and analysis of his various works see the admirable article entitled "Cicero," in Smith's Biog. Dict.

[2] Vell. Paterc. II. 66.

APPENDIX.

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*Pro M. Tullio	71
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In Verrem Actio secunda. Not delivered.	
*Pro M. Fonteio	69
Pro A. Cæcina	69
**Pro P. Oppio	67
Pro Lege Manilia	66
**Pro C. Fundanio	66
Pro A. Cluentio Avito	66
**Pro C. Manilio	65
Pro L. Corvino	65
**Pro C. Cornelio. Two orations	65
Pro C. Calpurnio Pisone	64
**Oratio in Toga Candida	64
**Pro Q. Gallio	64
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De Lege Agraria, Oratio secunda, ad populum.	
De Lege Agraria, Oratio tertia, ad populum.	
**De L. Roscio Othone.	
*Pro C. Rabirio.	
**De Proscriptorum Liberis.	
In Catilinam, prima Oratio, 8th Nov.	
In Catilinam, secunda, 9th Nov.	
In Catilinam, tertia.	
In Catilinam, quarta, 5th Dec.	

* This list is taken, with slight alteration, from the article "Cicero" in Smith's *Biog. Dictionary*; but I have added the Philippics, which are there omitted. The italics denote those speeches which are wholly lost; the two asterisks, those of which only a few mutilated fragments remain; the single asterisk denotes those of which, although imperfect, enough remains to give a clear idea of the argument, and where considerable passages are complete.

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In Vatinium Interrogatio. Same date.	
Pro M. Cælio Rufo.	
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	B. C.
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**In A. Gabinium.	
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Pro Caninio Gallo	55
Pro C. Rabirio Postumo	54
**Pro Vatinio	54
*Pro M. Æmilio Scauro	54
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		Anno ætat.
C. Atilius Serranus	Q. Servilius Cæpio	1
P. Rutilius Rufus	Cn. Mallius	2
C. Marius II.	C. Flavius Fimbria	3
C. Marius III.	L. Aurelius Orestes	4
C. Marius IV.	Q. Lutatius Catulus	5
C. Marius V.	M. Aquillius	6
C. Marius VI.	L. Valerius Flaccus	7
M. Antonius (orator)	A. Postumius Albinus	8
Q. Cælius Metellus Nepos	T. Didius	9
Cn. Corn. Lentulus	P. Licinius Crassus	10
Cn. Domitius Ahenobarbus	C. Cassius Longinus	11
L. Licinius Crassus	Q. Mucius Scævola	12
C. Cælius Caldus	L. Domitius Ahenobarbus	13
C. Valerius Flaccus	M. Herennius	14
C. Claudius Pulcher	M. Perperna	15
L. Marcius Philippus	Sext. Julius Cæsar	16
L. Julius Cæsar	P. Rutilius Lupus	17
Cn. Pompeius Strabo	L. Porcius Cato	18
L. Cornelius Sulla	Q. Pompeius Rufus	19
Cn. Octavius	L. Cornelius Cinna	20
L. Cornelius Cinna II.	C. Marius VII.	21
L. Cornelius Cinna III.	Cn. Papirius Carbo	22
Cn. Papirius Carbo II.	L. Cornelius Cinna IV	23
L. Cornel. Scipio Asiaticus	C. Junius Norbanus	24
C. Marius	Cn. Papirius Carbo III.	25
M. Tullius Decula	Cn. Cornelius Dolabella	26
L. Cornelius Sulla II.	Q. Cæcilius Metellus Pius	27
P. Servilius Vatia Isauricus	App. Claudius Pulcher	28
M. Æmilius Lepidus	Q. Lutatius Catulus	29
D. Junius Brutus	Mam. Æmilius Lepidus	30
Cn. Octavius	C. Scribonius Curio	31
L. Octavius	C. Aurelius Cotta	32
L. Licinius Lucullus	M. Aurelius Cotta	33

		Anno ætat.
M. Terentius Varro	C. Cassius Varus	34
L. Gellius Poplicola	Cn. Cornelius Lentulus Claudianus	35
Cn. Aufidius Orestes	P. Cornelius Lentulus Suræ	36
Cn. Pompeius Magnus	M. Licinius Crassus	37
Q. Hortensius	Q. Cæcilius Metellus Creticus	38
L. Cæcilius Metellus	Q. Marcius Rex	39
C. Calpurnius Piso	M' Acilius Glabrio	40
M. Æmilius Lepidus	L. Volcatius Tullus	41
L. Aurelius Cotta	L. Manlius Torquatus	42
L. Julius Cæsar	C. Marcius Figulus	43
M. Tullius Cicero	C. Antonius	44
D. Junius Silanus	L. Licinius Murena	45
M. Pupius Piso Calpurnianus	M. Valerius Messala Niger	46
L. Afranius	Q. Cæcilius Metellus Celer	47
C. Julius Cæsar	M. Calpurnius Bibulus	48
L. Calpurnius Piso Cæsoninus	A. Gabinius	49
P. Cornel. Lentulus Spinther	Q. Cæcilius Metellus Nepos	50
Cn. Cornel. Lentulus Marcellinus	L. Marcius Philippus	51
Cn. Pompeius Magnus II.	M. Licinius Crassus II.	52
L. Domitius Ahenobarbus	App. Claudius Pulcher	53
Cn. Domitius Calvinus	M. Valerius Messala	54
Cn. Pompeius Magnus III. (alone until 1st August)	Q. Cæcilius Metellus Pius Scipio	55
Serv. Sulpicius Rufus	M. Claudius Marcellus	56
L. Æmilius Paullus	C. Claudius Marcellus	57
C. Claudius M. F. Marcellus	L. Cornelius Lentulus Crus	58
C. Julius Cæsar II.	P. Servilius Vatia Isauricus	59
C. Julius Cæsar, Dictator	M. Antonius, Magister Equitum	60
C. Julius Cæsar III.	M. Æmilius Lepidus	61
C. Julius Cæsar IV., Dictator	M. Æmilius Lepidus, Magister Equitum	62
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THE END.

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